

Local Rules of The United States Bankruptcy Court



**for
The Western District of Pennsylvania**

These Rules are current as of November 1, 2000

**LOCAL RULES OF THE UNITED STATES
BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RESOLUTION RECOMMENDING APPROVAL
OF LOCAL BANKRUPTCY RULES

WHEREAS, extensive time, thought, and energy have been devoted to the formulation, consideration, and preparation of local bankruptcy rules for the Western District of Pennsylvania by members of the bankruptcy bar and bankruptcy judges of this District; and

WHEREAS, there is a need for clarity and uniformity in the practices and procedures to be followed in bankruptcy matters in this District; and

WHEREAS, an amendment to existing Bankruptcy Rule 9029 is being nationally circulated and it provides for the District Court rather than the Bankruptcy Court to adopt local rules;

NOW, THEREFORE, this 13th day of February, 1986, the undersigned Bankruptcy Judges of this District hereby recommend the adoption of the attached local bankruptcy rules by the United States District Court for the Western District of Pennsylvania, effective April 1, 1986.

Joseph L. Cosetti
Chief Bankruptcy Judge

Warren W. Bentz
Bankruptcy Judge

Bernard Markovitz
Bankruptcy Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

ADOPTION OF LOCAL
BANKRUPTCY RULES

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ORDER OF COURT

AND NOW, this 19th day of March, 1986, **IT IS ORDERED** that the attached Local Bankruptcy Rules be, and the same hereby are, approved by the United States District Court for the Western District of Pennsylvania for adoption effective April 1, 1986, by the United States Bankruptcy Court for the Western District of Pennsylvania pursuant to Bankruptcy Rule 9029.

MARICE B. COHILL, JR., C.J.

GERALD J. WEBER, D.J.

PAUL A. SIMMONS, D.J.

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LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

Rule 1001.1	CITATION OF LOCAL RULES
Rule 1002.1	DIVISION OF BUSINESS
Rule 1002.2	NUMBER OF COPIES
Rule 1003.1	DESIGNATION OF PRINCIPAL
Rule 1007.1	MAILING MATRIX
Rule 1007.2	ADDITIONAL CHAPTER 13 FILINGS
Rule 1007.3	DISCLOSURE OF RELATED CASES
Rule 1007.4	PROOF OF INCOME
Rule 1009.1	AMENDMENTS
Rule 1017.1	DISMISSAL OF BANKRUPTCY CASE
Rule 1019.1	CONVERSION
Rule 2002.1	CERTIFICATES OF MAILING
Rule 2003.1	PRESIDING OFFICERS AT MEETINGS OF CREDITORS
Rule 2004.1	EXAMINATIONS
Rule 2015.1	DUTY TO MAKE PAYMENTS AND FILE REPORTS IN CHAPTER 11 AND 13 CASES
Rule 3002.1	CLAIMS IN CHAPTER 13 CASES
Rule 3017.1	HEARING ON DISCLOSURE STATEMENT
Rule 3018.1	TABULATION OF BALLOTS ON PLAN
Rule 3019.1	NOTICE OF MODIFICATION OF PLAN
Rule 3020.1	OBJECTIONS TO AND HEARING ON CONFIRMATION OF PLAN

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

Rule 3021.1	DISTRIBUTION UNDER PLANS, AND OBJECTIONS TO CLAIMS IN CHAPTER 13 CASES
Rule 3021.2	CHAPTER 13 PAYMENTS
Rule 3021.3	CHAPTER 13 POSTCONFIRMATION MATTERS
Rule 4001.1	USE OF CASH COLLATERAL
Rule 4001.2	OBTAINING CREDIT
Rule 4001.3	AGREEMENT RELATING TO USE OF CASH COLLATERAL OR OBTAINING CREDIT
Rule 4001.4	HEARINGS ON RELIEF FROM STAY IN CHAPTER 13 CASES
Rule 4004.1	NOTICE TO THE TRUSTEE OF AN OBJECTION TO DISCHARGE
Rule 4007.1	NOTICE TO THE TRUSTEE OF A DISCHARGEABILITY DISPUTE
Rule 4008.1	REAFFIRMATION AGREEMENTS
Rule 5001.1	SEAL OF THE COURT
Rule 5003.1	DISPOSAL OF RECORDS
Rule 5005.1	RECORDS AND FILES
Rule 6002.1	DEADLINE FOR ACCOUNT OF CUSTODIAN
Rule 6004.1	SALE OF ESTATE PROPERTY OUTSIDE THE ORDINARY COURSE OF BUSINESS
Rule 6006.1	NOTICE OF ASSUMPTION OR REJECTION OF EXECUTORY CONTRACTS
Rule 6007.1	ABANDONMENT OF ESTATE PROPERTY
Rule 6008.1	NOTICE OF PROPOSED REDEMPTION
Rule 7004.1	SERVICE OF PLEADINGS ON THIRD-PARTY DEFENDANTS
Rule 7004.2	NOTICE OF CONSTITUTIONAL QUESTION

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

Rule 7005.1	FILING OF DISCOVERY MATERIALS
Rule 7008.1	MOTIONS IN ADVERSARY PROCEEDINGS
Rule 7016.1	PRE-TRIAL PROCEDURE
Rule 7030.1	LIMITS ON DEPOSITIONS
Rule 7033.1	INTERROGATORIES TO PARTIES
Rule 7037.1	DISCOVERY DISPUTES
Rule 7039. 1	EXHIBITS AND DEPOSITIONS
Rule 7055.1	DEFAULT JUDGMENT
Rule 8007.1	REQUESTS FOR COMPLETE OR PARTIAL TRANSCRIPTS
Rule 9008.1	PUBLICATION
Rule 9010.1	ADMISSION TO PRACTICE
Rule 9010.2	APPEARANCES AND WITHDRAWAL OF APPEARANCES
Rule 9010.3	AGREEMENTS OF ATTORNEYS
Rule 9013.1	MOTIONS AND CONTESTED MATTERS
Rule 9013.2	PLEADING SPECIAL MATTERS IN MOTIONS
Rule 9013.3	FILING OF PROPOSED ORDERS
Rule 9013.4	SELF SCHEDULING - MOTION COURT
Rule 9015.1	JURY SELECTION SYSTEM
Rule 9016.1	APPLICATIONS FOR FEES AND EXPENSES
Rule 9016.2	PROCEDURES FOR CONSIDERATION OF FEE APPLICATION

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

LOCAL FORM NO. 1 - Certificate of Mailing

LOCAL FORM NO. 2 - Summary Cover Sheet Fees and Expenses Application

LOCAL FORM NO. 3 - Motion Caption Naming Respondents

LOCAL FORM No. 4A - Notice of Hearing with Response Deadline, for motion filed under ¶6(a)

LOCAL FORM NO. 4B - Notice of Hearing with Response Deadline, for motion filed under ¶6(b)

LOCAL FROM NO. 5 - Certificate of Service

LOCAL FORM NO. 6 - Certificate of Default

LOCAL FORM NO. 7 - Default Order - Relief from Stay

LOCAL FORM NO. 8 - Default Order - Avoidance of Lien

LOCAL FORM NO. 9 - Default Order - Abandonment

LOCAL FORM NO. 10 - Default Order - General

LOCAL FORM NO. 11 - Order Approving Disclosure Statement, Fixing Time for Acceptances or Rejections of Plan and Fixing Confirmation Hearing Combined with Notice Thereof Hearing, etc.

LOCAL FORM NO. 12 - Notice of Continuance

LOCAL FORM NO. 13 - Order Granting Continuance

LOCAL FORM NO. 14 - Notice of Final Account and Proposed Distribution

LOCAL FORM NO. 15 - Notice of Hearing on Professional Fees

LOCAL FORM NO. 16 - Notice of Hearing on Approval of Settlement

LOCAL FORM NO. 17 - Deleted - Replaced by Local Form No. 19

LOCAL FORM NO. 18 - Declaration In Lieu of Affidavit Regarding Request To Be Added to the Mailing Matrix

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

LOCAL FORM NO. 19 - Plan Summary Combined with Notice of Claims by Debtor

LOCAL FORM NO. 20 - Deleted - Replaced by Local Form No. 21

LOCAL FORM NO. 21 - Chapter 13 Plan

INDEX

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 1001.1 CITATION OF LOCAL RULES

These Rules shall be cited as Local Rules, and shall supersede all former local rules.

COMMENT

Bankruptcy Rule 1001 provides that the general rules be cited as the Bankruptcy Rules. Local Rule 1001.1 provides a method for distinguishing between these rules. The numbering system for the Local Rules is the same as the Bankruptcy Rules, except a decimal point is used to denote the Local Rules.

Rule 1002.1 DIVISION OF BUSINESS

All bankruptcy matters originating in the counties of Erie, Clarion, Elk, Jefferson, McKean, Warren, Crawford, Forest, Mercer and Venango shall be referred to the bankruptcy judge presiding in Erie, and such matters shall be filed, docketed and processed in the Bankruptcy Clerk's Office at Erie. All bankruptcy matters originating in the remaining fifteen counties in the district shall be filed, docketed and processed in the Bankruptcy Clerk's Office at Pittsburgh.

Counsel shall indicate on the petition the county of the debtor's residence, or principal place of business, as the case may be.

Rule 1002.2 NUMBER OF COPIES

An original petition for relief under chapter 7 or Chapter 13 of Title 11 of the United States Code (hereinafter the "Code") shall be accompanied by two (2) true and correct copies. All lists, schedules and statements as required by Bankruptcy Rule 1007 shall be filed in the same number as prescribed herein for the original petition and copies.

Rule 1003.1 DESIGNATION OF PRINCIPAL

All involuntary petitions relating to corporate and partnership debtors shall include a designation of the individual who is the principal operating officer, or managing general partner, as the case may be, of the alleged debtor. If the identity of the principal operating officer or managing general partner is not known, a written statement shall be filed to that effect.

Rule 1007.1 MAILING MATRIX

A. DUTY TO PREPARE

At the time the schedules and statements are filed, there shall be filed one mailing matrix which shall include the name, address and zip code of the debtor and the debtor's attorney(s) and, in alphabetical order, the name, address and zip code of every scheduled creditor. If the debtor is a corporation, the names and addresses of current officers and directors shall be included on the mailing list; if a partnership, the names and addresses of all general and limited partners shall be included. In Chapter 11 cases, two (2) additional separate mailing matrices shall be filed, containing, in alphabetical order, the names, addresses and zip codes of:

1. all equity security holders as defined in Section 101(15) of the Code; and
2. the twenty (20) largest unsecured creditors, excluding insiders, as prescribed by Official Form NO. 9.

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 1007.1 (*continued*)

B. ACCURACY OF INFORMATION

The debtor and his attorney shall bear total responsibility for the preparation and accuracy of the mailing matrix; the debtor or his attorney shall sign each mailing matrix, attesting to its accuracy.

C. CLAIMS OF THE FEDERAL GOVERNMENT

Whenever the debtor lists any Federal agency on a matrix (with the exception of the Internal Revenue Service), the debtor shall also list the name of that agency c/o The United States Attorney's Office for the Western District of Pennsylvania for each Federal agency listed.

COMMENT

Documents should be assembled and filed in the following sequence if filed with the original petition, with the petition on top:

Petition
Statement of Related Cases
Statement of Financial Affairs]
Schedule A] or Chapter 13 Statement
Schedule B]
Summary of Debts and Assets
Plan (Chapters 11 and 13 only)
Statement of Executory Contracts (Chapters 7 and 11 only)
Disclosure of Compensation Paid or Promised to Attorney
Mailing Matrix

The documents may contain duplicative information. These documents would generally include the mailing matrix required by this rule, the list of creditors required by Bankruptcy Rule 1007(a), and the list of twenty largest unsecured creditors required by Bankruptcy Rule 1007(d) in certain cases. Nonetheless, the debtor is required to designate and file each required document separately, for the convenience of the court.

Local Rule 1007.1 in no way limited the applicability of Official Form No. 9 which should be used in conjunction with the compilation of the list of the twenty (20) largest unsecured creditors.

Rule 1007.2 ADDITIONAL CHAPTER 13 FILINGS

A. The original and each copy of the Chapter 13 Statement shall be accompanied by a summary of debts and property substantially conforming to the form required to be filed along with the schedules in a Chapter 7 or 11 case.

B. The Chapter 13 plan shall be sufficiently specific to permit a hypothetical reasonable creditor to understand how the plan shall treat that creditor's claim. The plan shall state:

- (1) the amount and frequency of payment;
- (2) the duration of payment, for purposes of calculating the total amount to be paid to the trustee over the life of the plan ("plan base");
- (3) the identities of priority creditors and amount of their claims;
- (4) the amount of the arrearage on each claim secured by the debtor's personal residence, and the amount of the regular monthly payment;

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 1007.2 (*continued*)

- (5) the treatment of secured claims modified under the plan;
- (6) the minimum percentage of unsecured claims to be paid under the plan; and
- (7) an identification of each executory contract rejected by the debtor.

In the alternative, the use of the suggested plan form shall be deemed to comply with this subpart.

C. A sufficient number of copies of the Chapter 13 plan, or the plan as amended, must be filed by the debtor for the mailing of a copy to each party in interest.

D. A business budget must accompany the Chapter 13 Statement for each self-employed debtor. The business budget shall state gross monthly business income and expected monthly expenses. The separate budget contained in the Chapter 13 Statement shall reflect household income and expenses only.

E. Within fifteen days of the filing of the petition, the debtor shall file a copy of the Chapter 13 petition in the office of the Recorder of Deeds in each county in which real estate in which the debtor claims an interest is located. However, a copy need not be filed in the Recorder's Office of Allegheny or Erie Counties, unless the Chapter 13 case has not been filed in the Bankruptcy Clerk's Office in such County. A certificate or other proof of filing must be submitted to the Clerk of Bankruptcy Court by or before the meeting of creditors in the Chapter 13 case.

COMMENT

The requirement that a plan be filed and served on each party in interest is contained in Bankruptcy Rule 3015. A copy of a suggested plan form is appended to the Rules.

Rule 1007.3 DISCLOSURE OF RELATED CASES

A. CRITERIA

The disclosure required under this rule includes related bankruptcy cases and adversary proceedings which are related to bankruptcy cases. Related cases and related adversary proceedings include all previous cases or proceedings, whether or not presently pending, involving:

- 1. a spouse or ex-spouse of the debtor; or
- 2. an affiliate, as defined in Section 101(2) of the Code; or
- 3. an insider, as defined in Section 101(30) of the Code; or
- 4. the same debtor, entity, or person including any aliases or fictitious names used by that debtor, entity or person, having previously filed a case or proceeding whether in this or any other district.

B. DUTIES OF COUNSEL

1. bankruptcy petition. At the time a petition is filed commencing a case under the Code, or at any time during which the case is pending and such information becomes known, counsel for the petitioner shall file a statement disclosing the name, case number, location of the bankruptcy court having jurisdiction if other than this District, and the name of the bankruptcy judge to whom assigned, for each related case that has been previously filed or that is then pending.

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 1007.3 (continued)

2. adversary proceedings. Whenever counsel has reason to believe that a pending action or proceeding on file or about to be filed is related to another pending action or proceeding on file with the court, counsel shall verify the same and promptly file and serve on all known parties to each related action or proceeding a notice of related proceeding, stating the title, number and filing date of each action or proceeding believed to be related, together with a brief statement of their relationship.

C. DUTIES OF THE CLERK

1. related cases. Whenever it appears to the Clerk that a case is related to another, it shall be the duty of the Clerk to report the case in question to the judge concerned at the earliest date practicable. The Clerk shall further provide an appropriate order for the signature of the judge concerned with the proposed transfer.

2. consecutive filings. Whenever it is made known to the Clerk at the time of filing petitions commencing cases under the Code, that related cases are being filed in consecutive order, the related cases shall all be assigned to the judge to whom the first of the related cases is assigned.

Rule 1007.4 - PROOF OF INCOME

A. With the exception of corporate Chapter 11 debtors, each debtor shall file with the schedules, documentary proof of income from any source whatsoever including, but not limited to, wages, salaries, commissions, workmen's compensation, public assistance, aid to families with dependent children, alimony, support, gambling or lottery winnings, pensions, distributions from trust funds, interest, dividends, etc. for (i) the year immediately preceding the date of filing of the petition in bankruptcy and (ii) the three-month period immediately preceding the filing.

B. The documentary proof of income shall be attached to debtor's schedules and may consist of W-2 Wage & Tax Statements, Form 1099s, copies of state or federal tax returns, or debtor's pay statements and shall conform to the income reported by the debtor in his Statement of Affairs at Items 2(d) and (e) or Item 5, depending upon whether or not the debtor was engaged in business.

C. Any debtor who does not have documentary proof of income shall submit with his schedules a verified statement to that effect stating the reasons why such proof is not available, enumerate all income and its sources.

D. Any debtor who had no income for either the year or the three-month period provided for in A, above, shall file a verified statement to that effect with his schedules.

E. If either the documentary proof of income, or a verified statement in accordance with either C or D, above, are not attached to debtor's schedules, the Clerk shall give debtor notice of a hearing on a Rule To Show Cause why the case should not be dismissed for failure to do so, or the court may issue an order directing the filing of such documentary proof or affidavit by a certain date and upon failure to do so, the case will be dismissed.

F. The Trustee or other 341 presiding officer shall elicit from the debtor what principal cause or causes necessitated the bankruptcy filing and shall note that information on the Minutes of the Meeting and shall further indicate any information concerning the debtor's income which the Trustee believes should be brought to the attention of the court.

Rule 1009.1 AMENDMENTS

A. No petition may be amended to add an additional entity as a debtor, after the order for relief has been entered.

B. In addition to the notice of an amendment required by Bankruptcy Rule 1009 to be given by the debtor, the debtor shall also deliver or mail a copy of the Order for Meeting of Creditors Combined with Notice Thereof and of Automatic Stay, as issued in the case, to all creditors newly added by an amendment to the schedules of liabilities or Chapter 13 Statement, unless the Clerk's Office has not yet issued such order.

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 1009.1 (continued)

C. The trustee or any creditor may file objections to an amendment of the schedules or statement of financial affairs within thirty (30) calendar days after the conclusion of the meeting of creditors or the filing of that amendment, whichever is later, unless further time is granted by the court, and the notice of the amendment shall so specify.

D. Each debt newly listed by an amendment to the schedules of liabilities must also state when such debt was incurred.

E. No amendment shall be accepted for filing by the Clerk unless there is attached thereto:

1. a certificate of mailing by the debtor or debtor's attorney that notice has been given as required by Bankruptcy Rule 1009 and subdivision B. of this rule; and

2. a supplement to the mailing matrix which shall include the names and addresses of the creditors added or whose names and addresses have been changed by the amendment. The supplemental mailing matrix shall conform with the requirements of the local rule governing the filing of mailing matrices.

F. A request for the waiver of the filing fee for an amendment must be made, if at all, by motion. The facts constituting cause for waiver of the filing fee for such amendment must be pleaded with specificity.

COMMENT

Subdivision A generally provides for the case where a debtor files an individual petition and the spouse of that debtor subsequently seeks to file a petition. There is no authority to retroactively convert the original single filing to a joint case. The commencement of the initial case constitutes an order for relief, and to permit a second petitioning spouse to later join in the original petition could adversely affect the rights of parties in interest in the second spouse's estate. Nothing prevents the court from ordering the joint administration of the two separately docketed cases, if it deems it advisable.

Subdivision B is intended to provide a newly added creditor with notice of the order for relief, required to be given by §342 of the Code, and notice of other matters as generally required by Bankruptcy Rule 2002.

Subdivision C implements the procedure of Bankruptcy Rule 4003 for handling objections to changes in other schedules or the statement, and further specified some of the contents of the notice of an amendment.

Subdivision E continues the requirements of former Local Rule 14, but additionally obligates the debtor to file an updated mailing matrix, in conformity with the philosophy of the local rule requiring the debtor to assume total responsibility for the accuracy of the mailing matrix.

Rule 1017.1 DISMISSAL OF BANKRUPTCY CASE

A. CONTENT OF MOTION

A motion to dismiss a voluntary or involuntary petition initiated under the Code, except a motion filed pursuant to §1307(b) of the Code, shall set forth the reasons for the dismissal. The motion shall also set forth whether any arrangement or agreement has been made with any creditor or other person in connection with such application for dismissal and the terms thereof.

B. LIST OF CREDITORS

Any motion by a debtor for dismissal of a petition filed by or against him shall be accompanied by a list containing the name and complete mailing address of any creditor not previously scheduled, including any creditor who has

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 1017.1 (continued)

extended credit since the date of filing the original petition under the Code and who remains unpaid at the time of the motion. If there is no such creditor, the motion to dismiss shall so state.

Rule 1019.1 CONVERSION

A. NOTICE OF MOTION

1. The moving party shall serve true and correct copies of a motion to convert upon the debtor, the debtor's counsel, the trustee, if any, and all members of any committee appointed by the court, and counsel of any committee.

2. The moving party shall then file a certification with the Clerk within fifteen (15) calendar days of the date of service of the motion that service has been made in accordance with this rule.

3. The clerk shall nonetheless give a dated notice to all parties in interest of the filing of a motion to convert.

4. No notice of a proposed conversion motion filed by the debtor in a Chapter 13 case need be given by the Clerk to parties in interest. No such notice of a motion filed by a debtor need be given in a Chapter 11 case if the debtor under §1112(a) of the Code has an automatic right to convert.

B. ANSWER AND HEARING

1. All parties in interest shall have twenty (20) calendar days from the date of the issuance of the notices to file an answer or objection.

2. All answers and objections shall be filed in writing, and the grounds for the responsive pleading must be pled with particularity.

3. Bankruptcy Rule 2002(a)(5) applies in Chapter 13 cases, but the court may for cause limit notice of the hearing on the proposed conversion to the debtor, debtor's counsel, trustee, and the actively contesting parties.

Rule 2002.1 CERTIFICATES OF MAILING

A. Any entity who mails a notice, order or other document in satisfaction of a notice requirement shall file a certificate of mailing with the Clerk within fifteen (15) calendar days of the date of the mailing.

B. The certificate of mailing required to be filed by subdivision A of this rule shall conform substantially to Local Form No. 1.

Rule 2003.1 PRESIDING OFFICERS AT MEETINGS OF CREDITORS

A. CHAPTER 7 PRESIDING OFFICERS

In all Chapter 7 cases the interim trustee appointed by the court shall preside at the meeting of creditors called pursuant to §341 of the Code, unless the creditors who may vote for a trustee under §702(a) of the Code and who hold a majority in the amount of claims that vote designate a presiding officer.

B. CHAPTER 11 PRESIDING OFFICERS

As soon as possible after a Chapter 11 case is commenced, the court shall designate a person to preside at the meeting of creditors called pursuant to §341 of the Code. Provided, however, if a chairman is selected by the creditors' committee prior to the meeting, the chairman shall designate the presiding officer in a written statement filed with the Clerk

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 2003.1 (continued)

prior to the meeting's scheduled starting time. If no such statement is timely filed, it shall be conclusively presumed that the chairman has designated the same person designated by the court.

Rule 2004.1 - EXAMINATION

A. The purpose of this rule is to avoid a motion and court order for a 2004 examination unless an objection is filed.

B. Duty to confer. Before giving notice of a proposed examination under paragraph C below, the movant shall confer with the proposed examinee (through counsel if represented) to arrange for an agreeable date, place, and time for the examination. Failure by the movant to attempt to confer shall be grounds to quash under paragraph E below.

C. Notice. Not less than twenty (20) days written notice of a proposed examination shall be given to the entity to be examined, its counsel, and to other affected parties. The entity to be examined and other affected parties shall have ten (10) days to respond or object to the proposed examination. The notice shall apprise the party of the scope of the examination and categories of documents to be produced.

D. No order required. If no response is served, the notice to conduct an examination under this rule is deemed ordered, without requiring the entry of an individual order. The notice of intent to conduct a Rule 2004 examination need not be filed.

E. Motions to quash or for protective order. If any person has objections regarding the examination to be conducted, he has the burden of seeking relief from the court by a motion to which he must attach a copy of the notice identified in subparagraph C, above. The motion must be served by the objecting party upon the debtor, debtor's attorney, trustee, attorney for the unsecured creditors' committee or its members if there is no attorney, and, where the entity to be examined is other than the objecting party, the examinee and its counsel, and all other affected parties.

F. Sanctions. If anyone has been unreasonable in seeking or resisting discovery under Bankruptcy Rule 2004, the court may impose sanctions. The court may condition the taking of an examination on terms that are just and promote efficient administration.

G. Exception of adversary proceedings. This rule does not apply to adversary proceedings and to contested matters.

1. The discovery provisions of Part VII of the Bankruptcy Rules apply in adversary proceedings.
2. Bankruptcy Rule 9014 applies to discovery in contested matters.

COMMENT

If the notice under C is mailed, the time to respond would be extended by three days under Bankruptcy Rule 9006(f). Should circumstances require, nothing in the Rule prevents a party from seeking an order shortening or lengthening the various time periods.

**Rule 2015.1 DUTY TO MAKE PAYMENTS AND FILE REPORTS IN CHAPTER 11
AND 13 CASES**

A. PAYMENTS

The trustee or debtor-in-possession in a Chapter 11 case, and the debtor if engaged in business in a Chapter 13 case, shall, unless otherwise ordered or prohibited by the Code:

1. keep current and pay when due any debt which has arisen since the entry of the order for relief, including

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 2015.1 (continued)

any debt arising from rentals or other money due on account of real estate leases; provided, however, that any debt for utility service shall be paid within five days of receipt of the bill for such service.

2. submit by the end of the second business day after the payment of wages to employees, an accounting and certified or cashier's check in full payment of the following taxes accrued as a result of the payment of wages, to the local office of the Special Procedures Branch of the Internal Revenue Service:

(a) the employee tax (FICA) withheld under § 3102 of the Internal Revenue Code of 1954, (hereinafter cited as Tax Code);

(b) the employee tax (FICA) withheld under Tax Code § 3311; and

(c) the employee income tax withheld under Tax Code § 3402; and

3. submit to the local office of the Department of Revenue of the Commonwealth of Pennsylvania a certified or cashier's check in full payment of the following taxes in the manner hereafter set forth:

(a) all Pennsylvania sales tax collected pursuant to § 72 P.S. § 7202 et seq. shall be remitted together with the proper tax returns, no later than the end of the fifth business day following the last day of each month in which such sales taxes were required to be collected; and

(b) all employer withholding tax (personal income tax) withheld pursuant to § 72 P.S. § 7316 et seq. shall be remitted together with the proper tax returns, no later than the end of the second business day after the payment of wages to employees.

4. submit no later than the last day of the month following the end of the quarter to the local office of the Field Accounting Service of the Commonwealth of Pennsylvania, Department of Labor and Industry, Office of Employment Security, in accordance with the filing and payment provisions of the Pennsylvania Unemployment Compensation Law, 43 P.S. §§ 781.4, 784 and 785, tax returns together with a certified or cashier's check in full payment of the following taxes:

(a) employer contribution due pursuant to Section 305 of the Pennsylvania Unemployment Compensation Law, 43 P.S. § 785; and

(b) employee contributions withheld pursuant to Section 301.4 of the Pennsylvania Unemployment Compensation Law, 43 P.S. § 781.4.

B. REPORTS

The trustee or debtor-in-possession in a Chapter 11 case, and the debtor if engaged in business in a Chapter 13 case, shall:

1. timely file all Federal, State and Local Tax returns with the applicable taxing bodies during the pendency of the bankruptcy case;

2. file copies of the most recent balance sheet and profit and loss statement with the Clerk;

3. annually file with the Clerk; within ninety (90) calendar days of the close of the debtor's fiscal year, an updated balance sheet and profit and loss statement;

4. file an initial statement of operations, including but not limited to a report of receipts and disbursements, accrued payables and accrued receivables, for the period commencing with the date of filing of the petition and ending with the last day of the month of the filing of the petition. The initial report shall be filed with the Clerk on or before the date first set for the meeting of creditors; and

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 2015.1 (continued)

5. file monthly statements of operations with the Clerk no later than the fifteenth (15th) day of each month for the statement covering the preceding month, and serve copies on counsel, if any, for any appointed committee in a Chapter 11 case or the trustee in a Chapter 13 case.

C. CONTENTS OF REPORTS

1. The initial report filed pursuant to subparagraph B.4., above, shall include a statement of the name and location of each depository or place of investment holding funds of the estate, and the applicable account number or numbers.

2. In addition to the information required by Bankruptcy Rule 2015(a)(3), all statements of operations shall contain a cumulative list of all debts which have arisen since the order for relief was entered.

D. NOTIFICATION

Though not a precondition to compliance, a copy of this rule shall be issued by the Clerk's Office to each debtor-in-possession in a Chapter 11 case, and each debtor if engaged in business in a Chapter 13 case, promptly after the commencement of the case.

COMMENT

1. Substantially all of the obligations conferred by this rule on debtors doing business were contained in orders routinely entered in Chapter 11 cases in the past.

2. Subparagraph C.2. requires the development of a cumulative schedule of unpaid debts incurred after the commencement of the case. The development of the cumulative schedule during the case should simplify compliance with Bankruptcy Rule 1019(6), should the case be converted.

Rule 3002.1 CLAIMS IN CHAPTER 13 CASES

A. All creditors must file claims in duplicate in Chapter 13 cases, to permit the Clerk's Office to transmit one copy to the Chapter 13 Trustee. The claims must conspicuously state that it has been filed in a Chapter 13 case. The creditor's account number must also be conspicuously stated.

B. A claim filed by a secured creditor in a Chapter 13 case shall identify the collateral. A holder of a claim secured by the debtor's personal residence must separately state the following: arrearage, late fees, attorneys fees and foreclosure costs incurred through the date of filing of the debtor's bankruptcy petition, principal balance, applicable interest rate and amount of the regular monthly payment. Any postpetition arrearage must be stated separately.

C. All claims arising out of the rejection of executory contracts in Chapter 13 cases must be filed within thirty (30) days of the later of the confirmation hearing or the date of the rejection, unless the court for cause extends the time. Copies must be served on the debtor and trustee.

D. No deficiency shall be paid in a Chapter 13 case to a creditor following the consensual relinquishment of collateral, unless the creditor files a notice of intention to collect a deficiency within thirty (30) days of the effective date of the surrender. Copies of such notices must be served on the debtor and the trustee.

E. If an amended claim is filed after the deadline for filing claims, then such claim must be served by the creditor on the debtor and trustee, who are required to raise all objections within twenty (20) days.

COMMENT

See Rule 9013.2, which states that similarly detailed information is required to be stated in a motion for relief from stay in a Chapter 13 case.

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 3017.1 HEARING ON DISCLOSURE STATEMENT

A. The disclosure statement and the plan shall be mailed to all parties having requested notice of matters pending in the case, in addition to the parties specified in Bankruptcy Rule 3017(a).

B. the responsibility for service as required by Bankruptcy Rule 3017(a) shall be upon the proponent of the plan or issuer of the disclosure statement and a certificate of service shall be filed with the court not later than the commencement of the first hearing with respect to the statement or plan, which certificate complies with Local Official Form No. 1.

C. Any objections to the plan or statement shall be in writing and shall be filed and served upon the proponent of the statement or plan, prior to the first hearing concerning such statement or plan, respectively.

Rule 3018.1 TABULATION OF BALLOTS ON PLAN

A. All ballots submitted in connection with a plan shall clearly identify the proponent of the plan and the date of the plan for which the ballot is to be cast.

B. Unless otherwise directed by the court, all ballots shall be returned to counsel for the proponent of the plan or his clearly designated agent. The address for return of the ballot shall be clearly noted on the ballot.

C. At the hearing on acceptance of the plan, whether or not such plan is accepted, counsel for the proponent shall file with the court the originals of the ballots cast together with a summary thereof. Counsel shall certify that the ballots filed and the summary thereof accurately represent all ballots received.

COMMENT

It is contemplated that counsel for the proponent of the plan will amend its summary of the balloting promptly after the hearing, to account for any ballots cast at the hearing and not incorporated in the summary.

Rule 3019.1 NOTICE OF MODIFICATION OF PLAN

A. Unless creditors are not adversely affected and otherwise specifically ordered by the court, any proposed modification to an accepted plan shall be in writing and mailed to all persons requesting notice of pending matters, as well as those recipients named in Bankruptcy Rule 3019. Such notice shall be provided not less than fifteen (15) calendar days prior to any hearing to such modification.

B. In Chapter 13, all preconfirmation modifications of the initial Chapter 13 plan must be served by the debtor on all affected creditors at least seven (7) days prior to the confirmation hearing. Modifications of a confirmed plan shall be by motion served by the debtor on the trustee and all affected creditors.

Rule 3020.1 OBJECTIONS TO AND HEARING ON CONFIRMATION OF PLAN

An objection by any party in interest with respect to matters considered pursuant to Bankruptcy Rule 3020(b)(1) and (2) shall be in writing and filed with the Clerk and served upon counsel for debtor, counsel for proponent of the plan if other than debtor, and counsel, if any, for all committees of the debtor not less than five (5) days prior to the first hearing scheduled for any such matter, or within such other time as the court may specifically fix.

**Rule 3021.1 DISTRIBUTION UNDER PLANS, AND OBJECTIONS TO CLAIMS IN CHAPTER
13 CASES**

A. Unless otherwise directed by the court, the distribution of any proceeds pursuant to a confirmed plan shall be mailed to the address of the creditor as designated pursuant to Bankruptcy Rule 2002(g).

B. Unless otherwise directed by the court, within ninety (90) calendar days of confirmation of a Chapter 9 or Chapter

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 3021.1 (continued)

11 plan, the disbursing agent shall file with the Clerk a brief and accurate accounting of all sums received, all sums disbursed to date, the sums remaining with the disbursing agent and the proposed disposition of such remaining funds.

C. Following confirmation of a Chapter 13 plan, the trustee shall make distribution to secured and priority creditors in accordance with the terms of the plan. Claims shall be treated in Chapter 13 cases for distribution purposes as follows:

(I) Following the deadline for filing claims, the Chapter 13 trustee shall file a motion with the court to reconcile any differences exceeding one hundred dollars, between the amounts of secured and priority debt stated by the debtor in the plan, as opposed to the claims as filed by the creditors with the Clerk. Notice shall be given to the debtor and the claims shall be allowed and the plan shall be deemed amended to the extent necessary to conform to the filed claims, unless the debtor objects.

(ii) Should the debtor object to any claim listed in the trustee's motion, then the debtor must file a written objection to the claim and serve both the trustee and the interested creditor, prior to the hearing on the trustee's motion to reconcile claims. The debtor must also give notice to the interested creditor of the time and place of the hearing on the motion to reconcile, at which time the parties must appear and the dispute will be heard.

D. In Chapter 12 and 13 cases, the failure of an unsecured creditor to file a claim shall inure to the benefit of the other unsecured creditors in the same class. The trustee shall increase the percentage to be paid accordingly, provided that payments shall not exceed one hundred percent of the total amounts of the allowed unsecured claims. Distributions to unsecured creditors in Chapter 13 cases shall be made on a pro-rata basis as calculated by the trustee and not on a per capita basis.

E. In Chapter 13 cases, the trustee is authorized to amend monthly payments to mortgage holders where required by floating interest-rates or changes in the insurance and tax escrow payments, provided that mortgage company has given notice to the debtor and the debtor has not objected within twenty (20) days.

F. In the event of the conversion or dismissal of a Chapter 13 case following the confirmation of a plan, then the trustee shall distribute all funds received prior to the effective date of the conversion or dismissal, in accordance with the terms of the confirmed Chapter 13 plan.

G. In the event that a confirmed Chapter 13 plan provides for payment to a secured creditor and such secured creditor obtains relief from stay, then the Chapter 13 trustee shall suspend distributions to all creditors with claims secured by the collateral released from the automatic stay, following the trustee's receipt of notice of the grant of relief. However, the trustee shall continue to make distributions to other creditors in accordance with the terms of the Chapter 13 plan unless and until the case is converted or dismissed.

Rule 3021.2 CHAPTER 13 PAYMENTS

A. Any extension of time granted by the court for the filing of the plan beyond fifteen days from the petition filing date shall not also act as an automatic extension of time for the submission of payments to the Chapter 13 trustee. In the event that no plan has been filed after fifteen (15) days and the court has not extended the time for the submission of payments, and further that the debtor has not made provisions for payment to the trustee, then the case shall be dismissed.

B. Payments shall be made to the Chapter 13 trustee in the form of a money order, cashiers check, or check drawn on an attorney's trust account, or by a wage attachment.

C. In the event that a plan is not confirmed and the case is converted or dismissed, then the trustee shall refund all payments to the debtor, provided that the Chapter 13 trustee may retain an administrative fee of twenty-five dollars (\$25.00) or the U.S. Trustee's prevailing percentage fee, whichever is greater, for payment to the Chapter 13 fee and expense fund, in payment for the costs incurred in administering the case. This amount may be adjusted by the court in unusual cases.

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 3021.3 CHAPTER 13 POSTCONFIRMATION MATTERS

A. Notwithstanding any provision in a Chapter 13 plan revesting property of the estate in the debtor, all sales of real and personal property shall be conducted in accordance with Bankruptcy Rules 2002, 6004 and Local Rule 6004.1. The notice of sale must state the proposed disposition of sale proceeds.

B. Any postpetition extensions of credit sought by the debtor shall be in the form of a motion subject to Bankruptcy Rule 4001(c) and (d) and Local Rule 4001.2. Such motion shall be served upon the trustee and all parties-in-interest.

Rule 4001.1 USE OF CASH COLLATERAL

A. MOTION; SERVICE

A motion for authorization to use cash collateral shall be made in accordance with Rule 9014 and shall be served on any entity which has interest in cash collateral, on any committee appointed under the Code or its authorized agent, or, if no committee has been appointed, on the creditors included on the list filed pursuant to Rule 1007(d) and on such other entities as the court may direct. The motion shall be accompanied by a copy of the notice or order scheduling the time and place of the hearing.

B. HEARING

The court may commence a final hearing on a motion for authorization to use cash collateral no earlier than fifteen (15) days after service of the motion and notice of the hearing. If the motion so requests, the court may conduct a preliminary hearing before such fifteen (15) day period expires, but the court may authorize the use of only that amount of cash collateral as is necessary to avoid immediate and irreparable harm to the estate pending a final hearing. Unless otherwise ordered by the court for cause shown, a preliminary hearing may commence no earlier than 48 hours after service of the motion and notice of the hearing. The movant may use express mail, telecopy mail or hand delivery (or similar delivery) to assure receipt of the motion and notice of the hearing by all parties to be given notice pursuant to paragraph (c) of this subdivision.

C. NOTICE

Notice of hearing pursuant to this subdivision shall be given to the parties on whom service of the motion is required by paragraph (a) of this subdivision and Rule 4001.3(A) and to such other entities as the court may direct.

Rule 4001.2 OBTAINING CREDIT

A. MOTION; SERVICE

A motion for authority to obtain credit shall be made in accordance with Rule 9014 and shall be served on any committee appointed under the Code or its authorized agent, or, if no committee has been appointed, on the creditors listed on the list filed pursuant to Rule 1007(d), and on such other entities as the court may direct. The motion shall be accompanied by a copy of the agreement and the notice or order scheduling the time and place of the hearing.

B. HEARING

The court may commence a final hearing on a motion for authority to obtain credit no earlier than fifteen (15) days after service of the motion and notice of the hearing. If the motion so requests, the court may conduct a preliminary hearing before such fifteen (15) day period expires, but the court may authorize the obtaining of credit only to the extent necessary to avoid immediate and irreparable harm to the estate pending a final hearing. Unless otherwise ordered by the court for cause shown, a preliminary hearing may commence no earlier than 48 hours after service of the motion and notice of the hearing. The movant may use express mail, telecopy mail or hand delivery (or similar delivery) to assure receipt of the motion and notice of the hearing by all parties to be given notice pursuant to paragraph (c) of this subdivision.

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 4001.2 (continued)

C. NOTICE

Notice of hearing pursuant to this subdivision shall be given to the parties on whom service of the motion is required by paragraph (A) of this subdivision and Rule 4001.3(A) and to such other entities as the court may direct.

Rule 4001.3 AGREEMENT RELATING TO USE OF CASH COLLATERAL OR OBTAINING CREDIT

A. MOTION; SERVICE

A motion for approval of an agreement for the use of cash collateral or for approval of an agreement between the debtor and an entity that has a lien or interest in property of the estate pursuant to which the entity consents to the creation of a lien senior or equal to the entity's lien or interest in such property, together with a notice setting forth the time within which objections may be filed shall be served on any committee appointed under the Code or its authorized agent, or, if no committee has been appointed, on the creditors listed on the list filed pursuant to Rule 1007(d) and on such other entities as the court may direct, as well as notice of the time and place of the hearing, if a hearing has been scheduled at the time of service. If a hearing has not been scheduled at the time of service of the motion, but is later scheduled, then notice of the hearing must be mailed to all parties enumerated in this subsection, no less than 5 days prior to the hearing, unless otherwise ordered by the court. The motion and notice shall be accompanied by a copy of the agreement, and a copy of the order scheduling a hearing and/or shortening the notice period, if any.

B. OBJECTION

Notice of the motion and the time within which objections may be filed and served on the debtor-in-possession or trustee shall be mailed to the parties on whom service is required by paragraph (A) of this subdivision and to such other entities as the court may direct. Unless the court fixes a different time, objections may be filed within fifteen (15) days of the mailing of notice.

C. DISPOSITION; HEARING

If no objection is filed, the court may enter an order approving or disapproving the agreement without conducting a hearing. If an objection is filed or if the court determines a hearing is appropriate, the court shall hold a hearing on no less than five (5) days notice to the objector, the movant, the parties on whom service is required by paragraph (A) of this subdivision and such other entities as the court may direct.

Rule 4001.4 HEARING ON RELIEF FROM STAY IN CHAPTER 13 CASES

At preliminary hearings on motions for relief from stay in Chapter 13 cases, the court will regard timely payments to the Chapter 13 trustee as creating a rebuttable presumption that adequate protection has been established, until the confirmation hearing. The final hearing on the motion for relief from stay shall be consolidated with the hearing on confirmation of the plan.

COMMENT

See Rule 9013.1(F) which requires a statement of the chapter under which the principal case is pending, to assist the court's efforts to consolidate hearings. Also, see Rule 9013.2, concerning the content of the motion for relief from stay in a chapter 13 case.

Rule 4004.1 NOTICE TO THE TRUSTEE OF AN OBJECTION TO DISCHARGE

A. A true and correct copy of each of the following types of pleadings shall be served upon the trustee, by the party commencing the action:

1. complaint objecting to the debtor's discharge; and

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 4004.1 (continued)

2. motion for an extension of time for filing a complaint objecting to discharge.

B. A party commencing an action of the type specified in subdivision A. of this rule shall further give the trustee notice of the time and place of each hearing to be held by the court in that action.

Rule 4007.1 NOTICE TO THE TRUSTEE OF A DISCHARGEABILITY DISPUTE

A true and correct copy of a complaint to determine the dischargeability of any debt pursuant to §523(c) of the Code shall be served upon the trustee by the plaintiff, within the time fixed by the bankruptcy rules for service to parties. The plaintiff shall further give the trustee notice of the time and place of each hearing to be held by the court in that proceeding.

Rule 4008.1 REAFFIRMATION AGREEMENTS

A. PROCEDURE WHERE COURT APPROVAL NOT REQUIRED

1. the debtor shall file the reaffirmation agreement with the court prior to the discharge. The agreement shall contain the statement required by §524(c)(2).
2. The agreement shall be accompanied by the declaration or affidavit, as required by §524(c)(3), of the attorney who represented the debtor during the course of negotiating the agreement.
3. At the discharge hearing and prior to the entry of the discharge order, the debtor or the attorney for the debtor shall advise the court that a reaffirmation agreement has been filed.
4. At the discharge hearing and prior to the entry of the discharge order, the court shall advise the debtor of the debtor's rescission rights.
5. At the discharge hearing and after the entry of the discharge order, the court shall inform the debtor of the legal effect and consequences of the rescission agreement.

B. PROCEDURE WHERE COURT APPROVAL REQUIRED

1. The debtor shall file the reaffirmation agreement with the court prior to the discharge. The agreement shall contain the statement required by §524(c)(2).
2. The agreement shall be accompanied by a motion to approve the reaffirmation agreement and a proposed order to approve the agreement.
3. The motion shall be heard at the discharge hearing. At the discharge hearing and prior to the entry of the discharge order, the debtor or the attorney for the debtor shall advise the court that a motion to approve a reaffirmation agreement has been filed.
4. At the discharge hearing and prior to the entry of the discharge order, the court shall advise the debtor of the debtor's rescission rights.
5. At the discharge hearing and after the entry of the discharge order, the court shall inform the debtor of the legal effects and consequences of the rescission agreement.

COMMENT

Prior practice and Bankruptcy Rule 4008 are inconsistent with §524(c) of the revised bankruptcy code which

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 4008.1 (continued)

contemplates that the debtor may lose rescission rights when the discharge order is entered. Local Rule 4008.1 provides that the discharge order be entered at the discharge hearing, thereby allowing the court to give the debtor a meaningful warning of his rights and to comply with the §524(d) informational requirement.

Court approval is not required if the debtor was represented by an attorney during the course of negotiating the agreement. Nor is it required to the extent that it applies to a consumer debt secured by real property. In the latter situation, the attorney affidavit referenced in §524(c)(3) and Local Rule 4008.1A.2. is not applicable and not required.

Rule 5001.1 SEAL OF THE COURT

The official seal of the court shall bear the inscription "UNITED STATES BANKRUPTCY COURT" and shall be used by the Clerk for all documents required to be under seal of the court.

Rule 5003.1 DISPOSAL OF RECORDS

Upon the closing of a case, all records, books and papers coming into the possession and remaining in the hands of the trustee, may be returned to the debtor upon request, or in the absence of such request, may be destroyed after the expiration of a period of one year without order of court.

Rule 5005.1 RECORDS AND FILES

A. FLAT FILING

In order that the files in the Clerk's Office may be kept under the system commonly known as "flat filing", all papers presented to the Clerk or judge for filing shall be flat and as thin as feasible. All pleadings and other documents presented for filing shall be on 8 ½" x 11" paper.

B. WITHDRAWAL OF FILES

Records and papers on file in the Clerk's Office may be produced pursuant to subpoena from any federal or state court directing their production. At the Clerk's discretion, records or papers belonging to the files of the court may be temporarily removed by the United States Attorney, United States District Court Judges, United States Magistrates and panel member trustees of this district upon receipt of a signed requisition. Otherwise, records and papers may be removed from the files only upon order of the court. Whenever records or papers are withdrawn, the person receiving them shall leave with the Clerk a signed receipt describing the records or papers taken.

Rule 6002.1 DEADLINE FOR ACCOUNT OF CUSTODIAN

Unless the court orders otherwise, the custodian shall file his report and account within thirty (30) calendar days from the date the custodian acquires knowledge of the commencement of the case.

Rule 6004.1 SALE OF ESTATE PROPERTY OUTSIDE THE ORDINARY COURSE OF BUSINESS

A. SALE OF PROPERTY FREE AND DIVESTED OF LIENS (MOTION SALES)

1. All sales including the sale of property free and divested of liens shall be by motion, except where the seller also seeks (a) to determine the validity, priority, or extent of a lien or other interest in property, other than the avoidance of a lien or other transfer of property exempt under §522(f) of the Code, or (b) to obtain approval pursuant to §363(h) of the Code for the sale of both the interest of the estate and of a co-owner in property. In such excepted cases, the seller shall proceed by the adversary procedure set forth in PART VII of the bankruptcy rules, any local adversary rules, and Local Rule 6004.1.B., infra.

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 6004.1 (continued)

2. Before filing any motion for sale, the seller shall obtain from the appropriate court personnel a sale hearing time and date which shall normally be a time and date on which the court regularly hears motions. Provided, however, if the seller anticipates that the sale hearing will take more than a limited time the seller shall so notify the appropriate court personnel and obtain a time and date which will allow sufficient time for the court to dispose of the motion to sell property.

3. After obtaining the sale hearing time and date the seller shall prepare a notice of hearing on the motion for sale which complies with Local Rule 6004.1E.1., infra.

4. Unless the court directs otherwise, the seller shall send the notice by first class mail to the parties referenced in Local Rule 6004.1E.3., infra, at least twenty (20) calendar days before the hearing on the sale. The seller shall file with the Clerk on or before the day of the mailing of the notice a proposed order approving the sale, and the notice of sale. A certificate of mailing shall be filed with the Clerk within five days of mailing the notice.

5. The seller shall serve a copy of the motion upon all parties against whom relief is sought and their counsel as directed by any order issued at the time of filing the motion. A certificate of service shall likewise be filed in accordance with any such order.

6. The seller shall cause the notice to be published as required by Local Rule 6004.1F., infra.

7. Any party in interest who objects to the proposed sale shall file objections within the period fixed by the notice of sale hearing. The objecting party shall serve a copy of the objections on the seller and seller's counsel and file a certificate of service with the Clerk when the objections are filed.

8. If the seller anticipates the objections will take more than a limited time the seller shall so notify the appropriate court personnel and obtain a new time and date for the sale which will allow sufficient time for the court to dispose of the objections. The seller immediately in writing shall notify the objecting party and the objecting party's counsel of the new sale time and date. A copy of the notice shall be filed with the Clerk before the new sale date. Other interested parties may be notified at the discretion of the seller. The new sale time and date shall be announced in open court at the time and date originally fixed for the sale hearing.

B. SALE OF PROPERTY WITH UNDETERMINED OR CO-OWNER INTERESTS (ADVERSARY SALES)

1. The seller shall proceed by the filing of an adversary complaint when the seller seeks (a) to determine the validity, priority, or extent of a lien or other interest in property, other than the avoidance of a lien or other transfer of property exemption under §522(f) of the Code, or (b) to obtain approval pursuant to §363(h) of the Code for the sale of both the interest of the estate and of a co-owner in property.

2. In any adversary sale, the seller shall obtain from the appropriate court personnel a sale time and date on which the court can dispose of the complaint to sell property. Such time and date shall be entered as the trial date and time on the summons issued by the Court.

3. After obtaining the sale time and date the seller shall prepare a notice of sale which complies with Local Rule 6004.1E.1., infra.

4. Unless the court directs otherwise, the seller shall send the notice by first class mail to the parties referenced in Local Rule 6004.1E.3., infra, at least twenty (20) calendar days before the hearing on the sale. The seller shall file with the Clerk on the day of the mailing of the notice a proposed order approving the sale, the notice, and the notice of sale. A certificate of mailing shall be filed with the Clerk within five days of mailing the notice.

5. The seller after filing the complaint shall obtain from the Clerk the summons which the seller shall serve with a copy of the complaint on all defendants and their counsel as required by the rules of adversary procedure. A certificate of service shall likewise be filed in accordance with such procedure.

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 6004.1 (continued)

6. The seller shall cause the notice to be published as required by Local Rule 6004.1.F., infra.

7. Any party in interest who objects to the proposed sale shall file objections within the period fixed by the notice of sale hearing. The objecting party shall serve a copy of the objections on the seller and seller's counsel and file a certificate of service with the Clerk when the objections are filed.

C. EMERGENCY SALES

The seller without any notice or with such notice as the court directs may conduct an emergency sale. Such sale, however, shall be made only upon leave of court obtained after filing an application specifying the property to be sold, the terms of the sale and the reasons why the sale is an emergency.

D. NOTICE BY MAIL

1. Except as provided in Local Rule 6004.1.E.2., infra, the notice of sale must contain at a minimum:

- (a) the caption of the case;
- (b) the name and address of the seller;
- (c) the place, date and time of the sale and the hearing thereon;
- (d) a general description of the property to be sold;
- (e) a statement explaining where a complete description or inventory of the property may be examined;
- (f) the place, date and time the property may be examined prior to the sale or an explanation of how a prospective buyer may be afforded an opportunity to examine the property prior to the sale;
- (g) the terms and conditions of sale, including the terms of any pending offers or minimum acceptance bids;
- (h) the last day by which objections to the sale must be filed with the court, which shall be not less than twenty (20) calendar days after the notice is mailed unless the court shortens the time; and
- (I) that the sale shall be subject to higher or better offers.

2. When all of the nonexempt property of the estate has an aggregate gross value less than \$2,500.00, the seller may use the general notice of sale provided for in Bankruptcy rule 6004(c) subject to the following conditions:

- (a) court approval shall be obtained prior to use of the notice. To obtain court approval, the seller shall present without notice an ex parte motion with a proposed order approving the general notice. The motion shall explain specifically (I) why the notice is required uneconomic and inefficient and (ii) the basis for valuation of the property; and
- (b) unless the court directs otherwise, the general notice shall state that the proposed sale shall occur after fifteen (15) calendar days from the date of the notice if objections are not filed within fifteen (15) calendar days of the notice. Receipt of more than \$2,500.00 shall not invalidate any sale conducted in conformity with this rule and Bankruptcy Rule 6004(c).

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 6004.1 (continued)

3. Unless the court directs otherwise, the notice of sale shall be sent by first-class mail to:

- (a) the debtor;
- (b) the trustee;
- (c) all indenture trustees;
- (d) all creditors;
- (e) all committees appointed pursuant to the Code or to their authorized agents; and
- (f) to the United States as required by Bankruptcy Rule 2002(j).

Provided, however, that in Chapter 11 cases, the notice of sale may be mailed only to the committees or their authorized agents, to the creditors and equity security holders who file a request with the court that all notices be sent to them, and to the United States as required by Bankruptcy Rule 2002(j).

4. Any notice required to be mailed under this rule shall be addressed as directed in a request for notices filed with the court; otherwise, to the address shown in the list of creditors or the schedule, whichever is filed later, but if a different address is stated in a proof of claim duly filed, that address shall be used.

E. NOTICE BY PUBLICATION

1. Unless the court orders otherwise, notice of any proposed sale shall be advertised by the seller by publication once in a newspaper of general circulation in the county in which the property is located and in the Legal Journal of such county, or if none, then in the Legal Journal of an adjacent or nearby county. The publication shall be made no more than twenty (20) nor less than five (5) days before the scheduled date of sale unless otherwise ordered by the court. Said notice shall contain at a minimum the information required by Local Rule 6004.1.D.1(a), (b), (c), (d), and (g), supra. Additional advertisement at the seller's discretion may be published.

2. Notwithstanding the preceding paragraph, notice by publication shall be at the discretion of the seller if the property to be sold has an aggregate value of less than \$2,500.00.

F. REPORTS OF SALE

1. The itemized statement required by Bankruptcy Rule 6004(e)(1) shall be filed with the court within five (5) days of the date of consummation of the sale. If the statement otherwise required by Bankruptcy Rule 6004(e)(1) is impracticable, the seller shall file with the court within five (5) days of the date of the sale a detailed explanation of why the statement is impracticable.

G. CONFIRMATION ORDER

Before an order will be issued confirming a sale, there must be filed with the Court:

- 1. Proofs of publication of the advertising herein required;
- 2. In the case of sales divested of liens, certification or proof of service on holders of liens being divested.

COMMENT

The content of the motion to sell free and divested of liens is addressed in Local Rule 9013.2.

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 6006.1 NOTICE OF ASSUMPTION OR REJECTION OF EXECUTORY CONTRACTS

In proceedings proposing assumption or rejection of executory contracts or unexpired leases, notice of such proceedings shall be served upon the trustee, if any, all parties to such contracts or leases, and to counsel for any committee of creditors or equity security holders appointed or elected under the Code. If there is no such counsel, then service shall be made upon each of the committee members.

Rule 6007.1 ABANDONMENT OF ESTATE PROPERTY

A. UNCONTESTED ABANDONMENTS FILED BY TRUSTEE OR DEBTOR-IN-POSSESSION

If no objections are timely filed pursuant to Bankruptcy Rule 6007(a), the property subject to the motion shall be deemed abandoned without an order of court. Any party desiring an order may obtain it pursuant to Bankruptcy Rule 9013 except that no notice under that rule shall be required.

B. NOTICE REQUIREMENTS WHEN ABANDONMENT IS FILED BY PARTY IN INTEREST

A party in interest filing a motion pursuant to Bankruptcy Rule 6007(b) shall prepare and give notice of the motion to all creditors, the debtor, all trustees and all committees appointed or elected pursuant to the Code. If any of these parties are represented by counsel, the notice shall also be sent to their counsel. Unless the court directs otherwise, the movant shall send notice by first class mail. The notice shall include a statement that the court may enter an order approving the abandonment if no objection is filed within fifteen (15) calendar days of the mailing of the notice. A copy of the notice along with a certificate of mailing shall be filed with the Clerk within five (5) days after the mailing.

C. CONTESTED ABANDONMENTS; NOTICE

All objections to motions requiring the trustee or debtor-in-possession to abandon property of the estate shall be governed by Local Rule 9013.1. Notice of any hearing on an objection to such a motion shall be given by the moving party to the objecting party, the trustee, debtor-in-possession, and counsel for any committee of creditors or equity security holders appointed or elected under the Code. If there is no such counsel, then service shall be made upon each of the committee members.

COMMENT

Contested abandonments initiated by a party in interest pursuant to Bankruptcy Rule 6007(b) are governed by the motion practice. The movant should obtain a hearing date which will allow at least fifteen (15) calendar days for the notice. The hearing date will be on one of the regular motion days unless a substantial dispute is anticipated. See Local Rule 9013.1. See Local Rule 9013.2 for the content of the notice.

The movant should also file a proposed order directing the trustee or debtor-in-possession to abandon the property.

The movant should use Local Form No. 1 for the certificate of mailing.

Rule 6008.1 NOTICE OF PROPOSED REDEMPTION

Notice of the motion and hearing shall be given to any lien creditor or any other party having an interest in the property to be redeemed.

Rule 7004.1 SERVICE OF PLEADINGS ON THIRD-PARTY DEFENDANTS

In every action in which there is a joinder of a third-party defendant, the third-party plaintiff shall deliver to the newly joined third-party defendant, within ten (10) calendar days after the filing of an appearance or a responsive pleading by said joined third-party defendant, copies of all pleadings, orders, discovery materials, exhibits and any other material of record in the case (except for physical objects which cannot readily be copied) except as otherwise ordered by the court upon motion and showing of good cause.

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 7004.2 NOTICE OF CONSTITUTIONAL QUESTION

In order to facilitate compliance by the court with the provisions of 28 U.S.C. §2403, it shall be the duty of a party who draws in question the constitutionality of an act of Congress affecting the public interest, in any action to which the United States or an officer, agency, or employee thereof is not a party, to file an extra copy of the pleading, in which such question is raised, with the Clerk, together with instruction to notify the Attorney General of the United States thereof.

Rule 7005.1 FILING OF DISCOVERY MATERIALS

A. Pursuant to Rule 7005 of the Bankruptcy Rules, depositions, interrogatories, requests for documents, requests for admissions, and answers and responses thereto shall not be filed with Clerk's Office except by order of the court.

B. A party seeking relief under Rule 7026(c), or seeking to determine sufficiency under Rule 7026, or seeking to compel under Rule 7037(a)(2) of the Bankruptcy Rules shall file only that portion of the deposition, interrogatory, request for document, or request for admissions that are objected to.

C. When discovery material is needed for an appeal, upon an application and order of the court, or by stipulation of counsel, the necessary portion of the discovery material shall be filed with the Clerk.

D. The party serving discovery or taking depositions shall retain the original and be custodian of it.

Rule 7008.1 MOTIONS IN ADVERSARY PROCEEDINGS

A. REQUIREMENT OF WRITTEN MOTION

All motions shall be in writing unless made during a hearing or trial. If time does not permit the filing of a written motion, the court may, in its discretion, waive this requirement.

B. GROUND S AND RELIEF TO BE STATED

All motions shall contain a caption and briefly summarize the relief requested, state with particularity the grounds therefor and set forth the relief sought.

C. RESPONSE

The response to any motion shall be filed within ten (10) calendar days after service of the motion. If no response is timely filed, the motion shall be deemed uncontested and forwarded to the judge for appropriate disposition.

D. BRIEFS

Unless the court orders otherwise, the movant shall file his brief, if any, and supporting affidavits, if any, with the motion, and the respondent shall file his brief, if any, and supporting affidavits, if any, with his response.

E. CONTINUANCES

Motions for continuances of a trial date shall be considered by the court only after notice to all counsel.

F. BRINGING CONTESTED MOTIONS TO ATTENTION OF COURT

Unless the party filing the motion or the respondent requests in writing that the court hold an oral argument or a hearing on the motion, the Clerk shall promptly after a response is filed, forward the motion, response and accompanying affidavit and briefs, if any, to the court for disposition by the court with or without argument or hearing as the court may deem appropriate. Upon written request for an argument or hearing date together with an estimate of the time required for the

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 7008.1 (continued)

argument or hearing, the Clerk shall forward the written request to the court for appropriate action. The request for a hearing may be made in the motion if the request is set forth in the caption or title to the motion.

G. EXTENSIONS

Any requests for an extension of time relating to motions or responses must be in writing and notice given to every other party.

Rule 7016.1 PRE-TRIAL PROCEDURE

A. Unless otherwise ordered, pre-trial shall be conducted according to Local rule 7016.1 in the Pittsburgh division only.

B. Counsel may file a stipulation once, without approval of the court, extending the due date for the filing of an answer or other responsive pleading, for a period not exceeding fifteen (15) calendar days from the due date.

C. At the request of counsel or on the court's motion, the judge to whom the case is assigned shall confer with counsel in an initial pre-trial conference in an attempt to define the legal and factual issues involved and attempt to determine what discovery is necessary, if any. Discovery may be confined, in an order, to the legal and factual issues defined.

D. Discovery shall be limited to seventy-five (75) calendar days from the date of the filing of the last responsive pleading unless the court by order directs otherwise.

E. Within fifteen (15) calendar days of the close of discovery period, counsel for the plaintiff shall file and serve a brief narrative statement of the material facts he will offer at trial, including all damages claimed, the method of calculation, and how damages will be proven. There shall be attached to the statement:

1. a copy of all reports containing the substance of the facts, findings, opinions and a summary of the grounds and reasons for each opinion of any expert whom a party expects to call as a witness at the trial. If timely production of any such report is not made, the testimony of such expert shall be excluded at the trial, except upon consent of the other party or parties, or order of court. The testimony of an expert shall be confined to the scope of his report;

2. names and addresses of all witnesses, including damage witnesses, whom the plaintiff expects to call;

3. a list of any unusual legal issues;

4. a list of all of the exhibits which counsel expects to offer in evidence, containing the identifying mark of each exhibit and a brief description of each exhibit; and

5. authorization to other parties to examine pertinent records unless earlier provided.

F. Within fifteen (15) calendar days of the filing of the plaintiff's pre-trial statement, counsel for defendant shall file and serve a brief narrative statement including the defense to the damage claims and attachments meeting the requirement set out in subsection E. supra for plaintiffs.

G. Within fifteen (15) calendar days of the filing of defendant's pre-trial statement, counsel for any third party defendant shall file and serve a brief narrative statement including the defenses and attachments meeting the requirements set out in subsection E. supra for plaintiffs.

H. Exhibits shall be examined by opposing counsel prior to the pre-trial conference in preparation for the conference.

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 7016.1 (continued)

I. Following the filing of the statements, counsel shall meet with the court at a time fixed by the court for a final pre-trial conference.

J. Prior to the final pre-trial conference counsel shall determine whether they have authority to settle the case and shall arrange to have their clients present at the final pre-trial conference or available by phone.

K. At the final pre-trial conference:

1. each attorney shall indicate on the record whether the exhibits of any other party are agreed to or objected to and the reason for any objection;

2. if there are legal issues which are undecided, appropriate motions shall be presented. Briefs in support of such motions are required only if the court directs that they be filed.

3. each attorney shall disclose in pre-trial narrative statements or at the pre-trial conference the substance of the evidence to be offered at trial. Failure to so disclose shall result in the exclusion of the evidence at trial unless the parties agree otherwise or the court orders otherwise. Provided, however, the evidence shall be allowed for impeachment purposes.

Rule 7030.1 LIMITS ON DEPOSITIONS

Unless otherwise permitted by the court for cause shown upon written motion pursuant to Local Rule 7008.1, no party shall take upon non-parties, regardless of the number of non-parties, more than five (5) depositions whether upon oral examination pursuant to Bankruptcy Rule 7030 or upon written questions pursuant to Bankruptcy Rule 7031 or combination thereof.

Rule 7033.1 INTERROGATORIES TO PARTIES

A. LIMITS ON INTERROGATORIES

Unless otherwise permitted by the court for good cause shown, such permission being granted only upon written motion to the court pursuant to Local Rule 7008.1, no party shall serve upon any other party, at any one time or cumulatively, more than thirty (30) written interrogatories, including all parts and subparts.

B. PROCEDURE ON INTERROGATORIES AND ANSWERS TO INTERROGATORIES

Interrogatories shall be prepared in such a fashion that sufficient space for insertion of the answers is provided after each interrogatory or subsection thereof. The original and two (2) copies shall be served upon the party to whom they are directed. The answering party shall insert answers on the original served upon him and serve a copy on every other party to the adversary proceeding. If insufficient space exists on the original for insertion of answers, the answering party may use and attach supplemental pages for the answers.

Rule 7037.1 DISCOVERY DISPUTES

A. REQUIREMENT OF A WRITING

All objections to interrogatories, depositions, requests, or applications under Bankruptcy Rules 7026 through 7037, as well as all motions and responses concerning discovery matters, shall be in writing. If time does not permit the filing of a written motion, the court may, in its discretion, waive this requirement.

B. OBJECTIONS TO DISCOVERY PROCESS

An objection to any interrogatory, deposition, request, or application under Bankruptcy Rules 7026 through

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 7037.1 (continued)

7037 shall be filed within thirty (30) calendar days after service of the interrogatory, deposition, request or application, unless otherwise ordered by the court. Any such objection shall not extend the time within which the objecting party must otherwise answer or respond to any discovery matter not specifically objected to.

C. MOTIONS TO COMPEL

After a discovery request is objected to or not timely complied with, and is not otherwise resolved, it is the responsibility of the party initiating discovery to place the matter before the court by a proper motion pursuant to Bankruptcy Rule 7037 to compel an answer, production, designation, or inspection. Such motion shall be in compliance with Local Rule 7008.1.

D. COMPLIANCE WITH DISCOVERY ORDERS

After the court has ruled on a discovery motion, any answer, production, designation, inspection or examination ordered by the court shall be done within ten (10) calendar days after the entry of the order of the court, unless otherwise ordered by the court.

E. FAILURE TO COMPLY WITH ORDER

Should a party fail to comply with an order of the court concerning discovery motions, it is the responsibility of the party objecting to such failure to comply to place the matter before the court by a proper motion for supplementary relief pursuant to Bankruptcy Rule 7037. Such motion must comply with Local Rule 7008.1.

F. CONSULTATION AMONG COUNSEL

Counsel are encouraged to participate in pre-trial discovery conferences in order to decrease, in every way possible, the filing of unnecessary discovery motions. No motion concerning discovery matters may be filed until counsel makes a good faith effort to resolve with opposing counsel the discovery matters in controversy. The Clerk shall not accept for filing and the court shall not consider any motion concerning discovery matters unless the motion is accompanied by a statement of counsel that a good faith effort has been made to resolve the discovery matters at issue.

G. UNNECESSARY DISCOVERY MOTIONS OR OBJECTIONS

The presentation to the court of unnecessary discovery motions, and the presentation to another party or non-party of unnecessary discovery requests of any kind, as well as any unwarranted opposition to proper discovery proceedings, will subject the offender to appropriate remedies and sanctions, including the imposition of costs and counsel fees.

H. SANCTIONS

Should any party or his attorney fail to comply with any of the provisions of this rule, or otherwise fail or refuse to meet and confer in good faith in an effort to narrow the areas of disagreement concerning discovery, sanctions provided by Bankruptcy Rule 7037 may be imposed.

Rule 7039.1 EXHIBITS AND DEPOSITIONS

A. NUMEROUS EXHIBITS

Whenever the exhibits in any case to be presented at the trial by either party exceed fifteen (15), the party intending to offer such exhibits shall place them in a binder, properly tabbed, numbered and indexed in sufficient quantity for the court and all parties, unless otherwise ordered by the court.

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 7039.1 (continued)

B. LISTING AND MARKING EXHIBITS

All exhibits, except such as are prepared in open court or by expert witnesses, must be listed in the final pre-trial order and shall be marked by counsel and delivered to the courtroom clerk prior to the commencement of the trial unless the court otherwise directs.

C. CUSTODY AND DISPOSITION OF MODELS AND EXHIBITS

1. After being marked for identification, exhibits of a documentary nature offered or admitted in evidence in any cause pending or tried in this court shall be placed in the custody of the Clerk unless otherwise ordered by the court. All other exhibits, models, and material not offered and admitted in evidence shall be retained in custody of the attorney or party producing same at trial, unless otherwise directed by the court.

2. Whenever any models, diagrams, exhibits or material have been placed in custody of the clerk for introduction into evidence, and same are not admitted or marked for identification, such articles shall be removed by the party who filed them with the clerk, unless otherwise directed by the court, immediately following the conclusion of the trial or settlement of the case.

D. DISPOSITION OF EXHIBITS

All exhibits, models or diagrams, documentary or physical, introduced in the trial of an adversary proceeding or lodged with the Clerk in anticipation of their introduction into evidence in the trial shall be withdrawn by the parties to the litigation or their counsel within sixty (60) calendar days after final judgment, order, or other final disposition of the adversary proceeding, whichever is later. If the exhibits, models or diagrams are not so removed within the time aforesaid, the Clerk shall destroy them or make such other disposition of them as the Clerk may deem appropriate.

E. USE OF DEPOSITIONS AT TRIAL

Whenever depositions are expected to be presented in evidence at trial, counsel shall, prior to the final pre-trial conference or, if same are not then available, prior to the day of trial, review such depositions and (1) extract therefrom a short statement of the qualifications of any expert witness, (2) eliminate unnecessary or irrelevant matters, and (3) eliminate all objections and statements of counsel. In the event counsel are unable to agree on what shall be eliminated, they shall submit same to the court for a ruling thereon before the date of trial. Failure to do so will constitute a waiver of objections.

Rule 7055.1 DEFAULT JUDGMENT

A. APPLICATION OF RULE

This rule applies to all adversary proceedings and to those contested matters which the court, on application of any party or its own motion, by order so directs.

B. PROCEDURE IN CASES OF DEFAULT

1. A party seeking a default judgment must file an affidavit of default prior to entry of default setting forth the facts on which the default is based. The affidavit shall include a certificate that the affidavit has been served on every other attorney who has entered an appearance and on every other party unrepresented by an attorney.

2. Upon filing of the affidavit of default and on request for default judgment, the Clerk shall enter a default and a default judgment against the defaulting party in the amount of any liquidated damages prayed for in the complaint. In cases of unliquidated damages, upon filing of the affidavit of default and on request of default judgment, the Clerk shall enter a default against the defaulting party and forward the motion to the appropriate judge for scheduling a date for trial on the issue of damages if required by law or such other action as may be appropriate.

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 8007.1 REQUESTS FOR COMPLETE OR PARTIAL TRANSCRIPTS

A. A party requesting a complete or partial transcript shall file with the Clerk and serve on the court reporter and all other parties or their counsel a written request for a transcript on a prescribed form which may be obtained from the Clerk.

B. The request for a transcript, if filed by an appellant, shall be filed not later than two days after the filing by appellant of the designation of the record and statement of issues to be presented.

C. Not later than two days after the filing by appellee of a designation of any additional items to be included in the record, an appellee shall file any request for a transcript.

D. If an appellee has filed a cross-appeal, the appellee as cross-appellant, shall file any request for a transcript not later than two days after the filing by such party of a statement of the issues to be presented on the cross-appeal and any designation of additional items to be included in the record.

E. A cross-appellee shall file any request for a transcript no later than two days after the filing by such party of a designation of any additional items to be included in the record on the cross-appeal.

Rule 9008.1 PUBLICATION

The Pittsburgh Legal Journal and The Erie County Legal Journal are designated as the official newspapers for cases originating in the Pittsburgh and Erie Divisions, respectively.

COMMENT

This rule does not purport to either proscribe or authorize the supplemental publication of notice and other matters.

Rule 9010.1 ADMISSION TO PRACTICE

A. Attorneys who are admitted to the bar of the United States District Court for the Western District of Pennsylvania pursuant to District Court Rule 1 are admitted to the bar of this court.

B. No one, other than an attorney regularly admitted to practice in this court shall appear in any proceeding on behalf of any trustee, creditor or other party in interest, except by special leave of a bankruptcy judge.

C. District Court Rule 22 of the United States District Court for the Western District of Pennsylvania shall apply as to discipline of attorneys, and amendments to said rule promulgated by the said court shall also automatically apply.

Rule 9010.2 APPEARANCES AND WITHDRAWAL OF APPEARANCES

A. A separate notice of appearance need not be filed by an attorney for an original party to an action or for an intervenor. The endorsement of names of attorneys appearing on the first pleading or motion filed by a party shall constitute the entry of appearance for such attorneys.

B. An attorney may withdraw his appearance only with leave of court, upon filing a written motion stating reasons for withdrawal and after reasonable notice to the client.

Rule 9010.3 AGREEMENTS OF ATTORNEYS

All agreements of attorneys relating to the business of the court shall be in writing; otherwise, if disputed, they will be considered of no validity.

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 9013.1 MOTIONS AND CONTESTED MATTERS

A. This local rule applies to cases normally heard at Pittsburgh. It shall only be applicable to Erie Division cases or other places of holding court in this district if specifically invoked, in whole or in part, in a particular case.

B. Periodic motion days shall be established on a regular basis by each judge. All motions duly filed of record shall be scheduled for a motion day calendar as soon as practicable.

Appropriate notification shall be furnished to counsel for the moving party as to scheduling by the personnel of the respective bankruptcy judge to whom the matter has been assigned.

C. Emergency motions and motions filed too late for inclusion on the calendar may be presented at the conclusion of the calendar call, provided that time is available and that procedural requirements have been satisfied.

D. Motions involving substantial disputes shall not ordinarily be on a motion day calendar unless specifically included by order entered. Such motions shall ordinarily be heard as specifically scheduled by the court. Motions may be removed from the motion day calendar or otherwise rescheduled by order where it is ascertained that they involve substantial dispute, or for other appropriate reasons.

Except as otherwise provided in Local Rule 6004.1, it shall be the responsibility of the moving or responding party or their counsel, if any, to certify in writing that there is a substantial dispute and to request that a separate hearing be scheduled. This will ordinarily be accomplished at the time the motion or response thereto is filed by submitting a certificate attached to the motion or response entitled "Certification of Substantial Dispute and Request for Hearing Separate From Motion Calendar".

E. The word "motion" shall include any request for an order or other relief including any motion, petition, objection, or other request except an application authorized by the Bankruptcy Rules as referenced in Bankruptcy Rule 9013.

F. The caption of each motion shall conform substantially to Official Form 34, except that the party seeking relief shall be designated as "Movant", "Petitioner" or "Applicant" as the case may be, and the parties against whom relief is sought shall be designated as "Respondents". In the caption of each motion and any response thereto the case number shall be entered and "Motion NO." shall also be listed instead of the "Adversary Proceeding No." designation set forth in Official Bankruptcy Form No. 34. The caption of each motion and response shall also state the number of the chapter under which the principal case is pending. The failure of the filing party to state the chapter number in the caption shall be sufficient basis for the Clerk to refuse to accept the pleading.

COMMENTS

1. Subsection A. allows for flexibility due to scheduling problems at infrequent places of holding court and also, geographical considerations in the Erie Division.

2. As to Subsection B., the court, though in favor of motion days, desires the scheduling flexibility of establishing the precise days from time to time. The calendar prepared by the Clerk of Court will enable counsel and parties to gauge when their case might be expected for call. Motions not meeting the deadlines are covered by the following subsection.

3. As to Subsection C., flexibility is retained by the judges in the actual method of listing so as to assure fair and orderly disposition of matters. Unlisted motions and emergencies are provided for where relief is needed expeditiously.

4. Subsection D. is necessary to allow speedy disposition of the motions day calendar without delays over disputes, objections and evidentiary hearings. It is possible that merely one contested motion might exhaust all the time available on a particular day, thereby delaying all other scheduled motions.

However, there are calendar motions which though ordinarily might normally require a full hearing, i.e., relief from stay or avoidance of liens, which might be listed on the routine motion day calendar because of information or knowledge as to the particulars of the case suggesting that a great likelihood exists that there will be no opposition.

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 9013.1 (continued)

Generally, either the moving or responding party may request a separate hearing date. The local sales rule (6004.1), however, provides that only the seller may request a new hearing date.

5. Subsection E. makes it clear that motions will have their broadest meaning consistent with Bankruptcy Rule 9029 and 28 U.S.C. §2071. The objections mentioned in this paragraph refer specifically to objections to claims and objections to debtor's exemptions and other pleadings initiating non-adversary proceedings.

Rule 9013.2 PLEADING SPECIAL MATTERS IN MOTIONS

A. APPLICABILITY OF RULE

This rule applies to contested matters in which any of the following types of relief is sought:

1. an abandonment;
2. the avoidance of a lien or liens;
3. a sale free and clear of a lien or liens; and
4. relief from stay in order to foreclose on collateral.

B. REQUISITES OF CONTENT

1. Unless all parties to the action have formally consented to the proposed grant of relief, the following, if applicable, shall be pled with particularity:

- (a) the identity and location of the property subject to the action;
- (b) the market value of the property subject to the action, and the basis for the valuation;
- (c) the value of any claimed exemption in the property subject to the action;
- (d) the identity and address of the holder of each and every lien on the property subject to the action; and
- (e) the type, priority, face amount and the best information of the balance, and record location of each and every lien on the property subject to the action.

2. If there is or may be no equity in the property for the creditors, an allegation showing the necessity for the sale or the consent of holders of liens and any fee agreed upon shall be pled.

3. In Chapter 13, a motion for relief from stay shall include:

- (a) an itemized statement of the amount necessary to cure as of the bankruptcy filing date; and
- (b) a separate, itemized statement of the postpetition defaults.

COMMENT

The requirement of an itemized statement of the amount claimed to be due is similar to the requirement of Pa. R.C.P. No. 2984(3). See Rule 4001.4 concerning hearings on motions for relief from stay in Chapter 13 cases.

Rule 9013.3 FILING OF PROPOSED ORDERS

Except as otherwise provided in these rules, all motions, petitions, applications, and complaints must have an appropriate proposed order of court attached. If a proposed order is not attached, the Clerk shall not accept for filing any motion, petition, application, or complaint.

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 9013.3 (continued)

COMMENT

Rule 6007.1 provides that no order is necessary in conjunction with uncontested motions for abandonment filed by a trustee

Rule 9013.4 SELF SCHEDULING - MOTION COURT

1. Purpose

The purpose of this Rule is to regulate and expedite the disposition of motions, to require counsel for the movant to self-schedule the initial hearing on certain motions, and to provide for an order by default in lieu of a hearing as to designated motions absent a response.

2. Election by Presiding Judge

A bankruptcy judge may elect whether or not the matters before him shall be governed by this Rule. This Rule shall govern matters before a bankruptcy judge who shall have filed with the Clerk an election to implement this Rule. It is counsel's responsibility to ascertain whether or not the bankruptcy judge presiding over a particular matter has elected to implement this Rule. The bankruptcy clerk shall add as an attachment to this Rule, and publish with the schedule of Motion Court dates under ¶3, below, a notification stating which judges have elected to follow this Rule.

3. Motion Court Dates

(a) Each bankruptcy judge shall designate, and the Clerk shall post in his office and publish on the first publication day of each month in the appropriate county legal journals for each division of the court as the Clerk may determine, a schedule of dates, times and places for such judge's "Motion Court" for the succeeding three months. A judge may designate more than one time of day for commencement of scheduled hearings.

(b) The Bankruptcy Clerk and the Judges shall attempt to coordinate hearing schedules to insure that only one judge is holding Motion Court at any one time.

4. Self-Scheduling; Documents Required and Service [¶6(a) or ¶6(b) only]

On motions to which self-scheduling applies [¶6(a) and ¶6(b)], counsel for movant shall prepare and serve on the parties against whom relief is requested:

(a) The Motion.

(b) A Notice of Hearing substantially conforming to Local Bankruptcy Form No. 4A or No. 4B. For sale motions use Local Bankruptcy Form No. 4C or 4D. The Notice shall allow at least 17 calendar days for response(which period includes 3 days for mailing if service is by mail) and at least 10 calendar days between the response date and the hearing date. The Notice shall be attached in front of the face of the Motion. (Note: 30 days' notice is required on objections to claims.) For fee applications in chapters 11, 12 and 13, in lieu of L. B. Form 4A or 4B use ¶6 (b) (2). For fee applications in chapter 7 cases use ¶6 (b) (25). For chapter 7 final accounts and proposed distributions use L.B. Form 14.

(c) A proposed order granting, by default, the relief requested, but only where the motion is a ¶6(a) motion. Sample Default Orders to be used as appropriate are attached hereto and designated as:

Local Bankruptcy Form No. 7 (relief from stay)
“ ” No. 8 (avoidance of lien)

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 9013.4 (continued)

“ ”	No. 9 (abandonment)
“ ”	No. 10 {general}

(d) A proposed order granting, after notice and hearing, the relief requested.

5. Filings With the Clerk - Default

(a) In ¶6 (a) or 6 (b) matters any party in interest who wishes to present a consent, objection or response of any type to a ¶6 (a) or ¶ 6 (b) motion must serve the original and one copy on the moving party within the time period stated in the notice. If no written response, or a written response which does not object to the Motion, is received timely by the Movant by the date specified in the Notice then not less than 7 calendar days before the scheduled hearing date, counsel shall file with the Clerk

- 1) in duplicate, a proposed Default Order, one copy being loose and unbound, *
- 2) a Certificate of Default (Local Bankr. Form No. 6),
- 3) a Certificate of Service (Local Bankr. Form No. 5),
- 4) the Notice of Hearing, and
- 5) the Motion,

whereupon in ¶6 (a) matters the Clerk, on behalf of the judge, shall issue an order by default against any defaulting party, in accordance with the motion.¹

(b) In ¶6 (a) or 6 (b) matters if a written response which must be in duplicate, objecting to the Motion is received timely by the Movant, then, not less than 7 calendar days before the originally scheduled hearing date, counsel for movant shall file, with the Clerk

- 1) the Notice of Hearing L.B. Form No. 4A, 4B, 4C, 4D or 15 will be used),
- 2) the Motion,
- 3) any responses received,
- 4) the Proposed Order, and
- 5) a Certificate of Service (L.B. Form No. 5)²

This Paragraph ¶5(b) shall be observed whether or not the hearing has been continued to a future date.³

*In ¶6 (b) matters do not attach a proposed default order but only a proposed order granting the relief requested.

¹. Draftman's Comment: Items in ¶5 (a) or ¶5 (b) should be filed together and may be attached for one combined filing, in the order indicated.

². See Footnote 1.

³. At the Bar Association meeting of February 26, 1992, attendees were directed to file a certificate of default in ¶6 (a) or 6 (b) matters even if responses were received. This directive is hereby rescinded and certificates of default shall be filed only if no responses are received.

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 9013.4 (continued)

(c) If there is more than one respondent, and any one timely serves a written response objecting to the Motion, then default may not be entered by the Clerk and the Motion will be disposed of by the judge at the scheduled hearing.

(d) Movant shall pay the applicable filing fee when the motion is filed with the Clerk.

6. Applicability

(a) This Self-Scheduling Rule shall apply to the following Motions or matters:

- (1) Relief from Automatic Stay.
- (2) Abandonment (See Rule 6007(a) and (b); Local Bankruptcy Rule 6007.1 is superseded).
- (3) Lien Avoidance under Rule 4003(d).
- (4) Objections to claims (Note: 30 days' notice required under Bankruptcy Rule 3007)
- (5) Appointment of a Chapter 11 trustee when not filed by the Debtor.
- (6) Motion to determine secured status under §506(a) when only the value of collateral is at issue.
- (7) Motion to redeem property

(b) This Self-Scheduling Rule shall apply to the following matters, except that no Order by default may be entered thereon and Movant must appear for the scheduled hearing:

- (1) Deleted
- (2) Application for professional fees in chapters 11, 12 and 13. (Note: Applicant to follow L.B. Rule 9016.1 and use Local Bankruptcy Form No. 15 in giving notice.)
- (3) Private or public sale. Counsel shall conform practice under Local Bankruptcy Rule 6004.1 to this Rule, but the length of notice provided in ¶4(b) hereof shall prevail. Counsel shall not call the Courtroom Deputy for a sale date unless a major or unusual problem is anticipated. The Notice of Sale shall specify that all objections shall be served in duplicate on the movant who shall file the original with the motion. (Note: Follow and use L. B. Form No. 4C or 4D in giving notice.)
- (4) Dismissal of the case except requests by chapter 13 debtors pursuant to ¶1307 (b).
- (5) Transfer (conversion) to a different chapter when not filed by the Debtor.
- (6) Adequate protection.
- (7) Motions related to discovery.
- (8) Payment of an administrative expense.
- (9) Abstention.
- (10) Transfer of venue.
- (11) Reaffirmation agreement approval
- (12) Enforcement of a prior order.
- (13) Sanctions.

(c) The Self-Scheduling provisions of this Rule shall not apply to the following matters (as to which the motion shall be initially filed with the Clerk and scheduled separately as the judge deems appropriate):

- (1) Consent orders.
- (2) Transfer (conversion) to a different chapter, when filed by the debtor.
- (3) Appointment of a professional.
- (4) Approval of settlement or compromise. (Note: Follow and use Local Bankruptcy Form No. 16 in giving notice if the court fixes a hearing and a date for filing objections.)
- (5) Emergency motions.
- (6) Preliminary hearing on motion for a temporary restraining order or preliminary injunction.
- (7) Preliminary and final hearing on motion or stipulation for use of cash collateral or extension of credit or revolving credit agreement. See Rule 4001(b) and (c).

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 9013.4 (continued)

- (8) Fixing of a date by which a plan must be filed.
- (9) Extension of period of debtor's exclusive right to file a plan.
- (10) Motion to assume/reject lease or executory contract or to extend the time for doing so.
- (11) Extension of time not otherwise provided for.
- (12) Matters requiring adjudication within a shorter time than provided by this rule.
- (13) Hearing on adequacy of a disclosure statement.
- (14) Hearing on confirmation of a plan under Chapters 11, 12 or 13.
- (15) Consolidation of cases for administrative or substantive purposes.
- (16) Request for hearing or status conference in a pending matter.
- (17) Reconsideration.
- (18) Stay of an order pending reconsideration or appeal.
- (19) Response to involuntary petition and trial thereon.
- (20) Motion to require petitioners in an involuntary case to file a bond.
- (21) Trials and/or evidentiary hearings.
- (22) Motion for a final decree in a Chapter 11 case.
- (23) Objections to exemptions.
- (24) Chapter 7 fee applications. (Note: Applicant to follow L. B. Rule 9016.1 and use L.B. Form 2.
- (25) Chapter 7 final account and proposed distribution (but trustees shall choose a self-scheduling motion date on which to schedule the hearing, insert that date on L.B. Form 14 and the clerk shall serve the notice).
- (26) Matters not otherwise provided for in this Rule.

7. "Motion" - Definition

For purposes of this Rule, the word "motion" shall include any request for an order or other relief including any motion, objection, application, or other request. A complaint initiating an adversary proceeding is not a motion.

8. Motion Caption

(a) Form

The caption of each motion and the identification of the attorney for the movant shall conform substantially to Local Bankruptcy Form No. 3, but where there is no entity to be named as a respondent, substitute "No Respondent" for "Respondent" on Local Bankruptcy Form No. 3. A motion filed within an Adversary Proceeding need only carry the case caption and the sub-caption of the Adversary Proceeding. The caption of each motion and response shall also state the chapter under which the principal case is pending.

(b) Motion Number

Except as to motions in adversary proceedings, a Motion Number shall be included by the movant immediately below the case number and chapter number on all motions. The Motion Number shall consist of not more than three initials of the attorney for movant (e.g., first, middle and last name) or if preferred, the initials of the law firm thereof, a dash, and the number which is one number higher than the number of motions previously filed or served by said attorney in conjunction with that bankruptcy case. (Example: the first Motion Number assigned by Attorney John D. Doe would be JDD-1, the second JDD-2 the third JDD-3 and so on. This sequence will be repeated for each bankruptcy case in which said attorney files or serves a motion.)

(c) Motion Category Designation

The caption shall include a designation showing whether the motion is filed under ¶6(a), or ¶6(b), or ¶6(c) of this Rule.

9. Caption on Subsequent Pleadings

- (a) All subsequent pleadings responsive to the original motion shall be identified with the same caption as the

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 9013.4 (continued)

original motion and shall include the same motion number and category designation. Any pleading received without those designations may be dismissed without prejudice.

(b) If a respondent fails to properly copy the caption, the movant shall add a cover sheet bearing the correct caption information before filing with the Clerk.

10. Proposed Orders

Every motion must have attached a proposed order granting the relief requested as provided in ¶4, above. Failure to do so may result in the motion being dismissed without prejudice. Every proposed order shall include the case and motion caption, chapter number, motion number and motion category designation, as required in ¶8.

11. Nature of Hearings in Motion Court

Hearings in Motion Court shall be brief, not more than 15 minutes in any case. No testimony will be heard. If there is an issue of fact, a discovery schedule (if appropriate) and an evidentiary hearing will be fixed by the Court. If there is no issue of fact, the court may dispose of the matter at such hearing, or on briefs, or as the court may determine. Motion matters which are settled after response is filed shall be heard prior to other matters scheduled for the same time upon request of the parties at Motion Court.

12. Relief from Stay

A movant who schedules a motion for relief from stay for a date more than 30 days after filing, or who combines such motion with a motion for any other type of relief, shall be deemed to have waived the 30 day period specified in 11 U.S.C. §362(e). No default order may be entered when such motion is combined with a matter requiring a hearing.

13. Continuance

(a) If all parties or their counsel consent, the first scheduled hearing on any self-scheduled matter [per 16(a) and 6(b), above] may be postponed to a date certain, provided that at least 7 calendar days prior to the first scheduled hearing the movant shall have filed a notice with the Clerk which conforms substantially to Local Form No. 12 and a certificate of service.

(b) If not all parties or their counsel consent to the continuance, or if the hearing to be continued is other than the first scheduled hearing, a motion to continue, accompanied with a proposed order which conforms substantially to Local Bankruptcy Form No. 13 must be filed with the Clerk and served on all parties in interest not later than 7 calendar days before the originally scheduled hearing. The motion must set forth a statement of the effort made to obtain the consent, the reason why a continuance is needed, a suggested date for the hearing, and a certificate of service. If the order granting the continuance is signed the movant must serve it immediately upon receipt, and must file a certificate of service at least 7 calendar days before the rescheduled hearing date.

(c) A matter scheduled specially by the Clerk or the Judge, or a matter under ¶6(c), may be continued only upon motion under subparagraph (b), above.

(d) A continuance may be granted by the judge at the scheduled Motion Court hearing or at any other time for cause shown or at the discretion of the judge.

14. Extension of Time to Assume Contract, Lease, File Plan

If, when a motion to extend time is filed, the time has not expired

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 9013.4 (continued)

(a) within which the trustee may assume or reject an executory contract or an unexpired lease under 11 U.S.C. §365(d), or

(b) within which the debtor retains the exclusive right to file a plan of reorganization under 11 U.S.C. §1121, then such time is extended until the disposition of such motion.

15. Non-compliance - Dismissal

If a filing is not in substantial compliance with this Rule, an order may be entered dismissing the motion without prejudice, and movant shall promptly notify respondent thereof.

16. Erroneous Filing of Response

All original responses under 6(a) or 6(b) erroneously filed with the Clerk shall be returned to the respondent. If a response is not served on movant within the time frame provided in the original notice, the response will not be considered by the court unless respondent establishes good cause in a motion to reconsider filed and served within 10 days.

17. Motions for Reconsideration of Default Orders

Motions for reconsideration filed within 10 days will be considered. However, a default order duly entered hereunder will remain in effect unless there is a showing of reasonable cause and that respondent has a meritorious defense.

18. Chapter 12 and 13 Matters

If a judge designates a "Chapter 13 Day," all matters in or relating to Chapter 13 and Chapter 12 cases, and only such matters, shall be scheduled for such Chapter 13 dates and times designated by the judge.

19. Motions to Convert or Dismiss - First Hearing

(a) A motion filed by a party other than the debtor to convert a Chapter 11 case to Chapter 7, or to dismiss the case, shall be scheduled initially for a hearing at a motion court time on notice by the moving party upon all creditors, or at the option of the moving party, only upon

1. Debtor's counsel,
2. U.S. Trustee,
3. Trustee,
4. Any person who has filed a request for notices in this case,
5. USA, Internal Revenue Service, Office of District Counsel, Liberty Center Suite 601C, 1001 Liberty Avenue, Pittsburgh, PA, 15222,
6. Commonwealth of Pennsylvania, Department of Revenue, 4th Floor, Manor Building, Pittsburgh, PA, 15219, or 155 West 8th Street, Erie, PA, 16501,
7. Commonwealth of Pennsylvania, Department of Labor & Industry, Room 1316 State Office Building, 300 Liberty Avenue, Pittsburgh, PA, 15222 or 1316 State Street, Erie, PA, 16501, and
8. The attorney for the creditors' and other committees, or if none, then on the 7 largest creditors (secured and/or unsecured).

(b) If the movant elects the option of limited service and the Judge determines at the initial hearing that an evidentiary hearing is necessary, it shall be fixed on notice as required by Bankruptcy Rule 2002(a)

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 9013.4 (continued)

(c) A motion filed by a party other than the debtor to convert a Chapter 13 or Chapter 12 case to Chapter 7, or to dismiss, shall be scheduled initially for a hearing at a "Chapter 13 Day" motion court time on notice by the moving party upon all creditors, or at the option of the moving party, only upon debtor and debtor's counsel and the Chapter 12 or 13 trustee.

20. Modification by Judge

Where appropriate in order to correct errors, adjust scheduling, or to accomplish substantial justice, a presiding judge may, in a particular case, modify the applicability of this Rule.

21. Effect Upon Other Local Rules

When the presiding judge has elected this Rule, it supersedes Local Bankruptcy Rules 1019.1, 2002.1 and 9013.1.

22 Attached Forms

The following forms, attached hereto, are adopted as a part of this Rule:

Local Bankruptcy Form No. 3, Motion Caption Naming Respondents
Local Bankruptcy Form No. 4A, Notice of Hearing With Response Deadline, for motion filed under ¶6(a)
Local Bankruptcy Form No. 4B, Notice of Hearing With Response Deadline, for motion filed under ¶6(b)
Local Bankruptcy Form No. 5, Certificate of Service
Local Bankruptcy Form No. 6, Certificate of Default
Local Bankruptcy Form No. 7, Default Order - Relief from Stay
Local Bankruptcy Form No. 8, Default Order - Avoidance of Lien
Local Bankruptcy Form No. 9, Default Order - Abandonment
Local Bankruptcy Form No. 10, Default Order - General
Local Bankruptcy Form No. 11, Order Approving Disclosure Statement, Fixing Confirmation Hearing, Etc.
Local Bankruptcy Form No. 12, Notice of Continuance
Local Bankruptcy Form No. 13, Order Granting Continuance
Local Bankruptcy Form No. 14, Notice of Final Account and Proposed Distribution
Local Bankruptcy Form No. 15, Notice of Hearing on Professional Fees
Local Bankruptcy Form No. 16, Notice of Hearing on Approval of Settlement

23. Severability

The provisions of this Rule are severable, and if any of its provisions shall be held to be unenforceable because they are in conflict with the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure or any other applicable law, such holding shall not affect or impair any of the remaining provisions of this Rule.

Rule 9015.1 JURY SELECTION SYSTEM

A. The plan for random selection of jurors adopted by the United States District Court for the Western District of Pennsylvania with the approval of its reviewing panel under 28 U.S.C. §1863 is deemed to govern jury selection by the United States Bankruptcy Court for the Western District of Pennsylvania.

B. The Clerk of the Bankruptcy Court shall request the Clerk of the District Court to furnish a sufficient number of jurors for use in scheduled jury trials. If not selected or serving in the Bankruptcy Court, such jurors shall be released to the District Court for continued utilization.

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 9015.1 (continued)

C. The Clerk of the Bankruptcy Court shall cooperate with the Clerk of the District Court in the implementation of those jury utilization techniques which are employed by the District Court in the interest of efficient and economical usage of jurors.

Rule 9016.1 APPLICATIONS FOR FEES AND EXPENSES

Unless otherwise ordered, no compensation or expenses will be allowed to any professional for any service rendered in any case unless an application for fees and expenses is filed which provides the following.

1. The date of the Order appointing the professional with a copy thereof attached as an exhibit;
2. A statement indicating whether the application is for final or interim compensation and expenses, the total amounts thereof, and the period covered;
3. The date and amount of previous compensation, if any, including any retainers paid, with copies of the Orders approving the prior payments attached as exhibits, and where applicable, a copy of the attorney disclosure statement which was filed pursuant to Bankruptcy Rule 2016 attached as an exhibit;
4. A list of the attorneys; paraprofessionals or other professionals contributing services, their billing rates, total hours and total dollars;
5. A. A chronological listing of time and services performed (Chronological Listing) or a listing of time and services by category of service arranged chronologically (Category Listing) shall be attached to the Application. Whether a Chronological Listing or a Category Listing is submitted, it shall include the date, the professional, a description of the service and the time involved. All entries shall conform to the following:
 1. List each service or task separately and state the amount of time expended in its performance;
 2. Identify the subject matter of any correspondence or phone call and the party with whom you have communicated if the service involves telephone and/or written correspondence;
 3. Identify where appropriate, and in the interest of clarity, the subject matter of any hearing or trial with specificity including the case, or adversary number if the service involved is attendance at a hearing or trial;
 4. Identify any pleading with specificity if the service involves preparation of a pleading;
 5. The content of the entries shall not be strictly enforced as to time entries made prior to the effective date of this rule.
- B. If a Category Listing is provided, each category shall be preceded by a heading generally describing the services within that category and a brief statement detailing the result to the estate.
- C. If a Chronological Listing is provided, there shall be attached a separate summary of time and service by category, each of which shall be given an identifying number. This identifying number shall be placed beside each chronological entry to indicate the category number into which it falls.
6. An itemization of the expenses for which reimbursement is requested.
7. An allegation that the professional was a disinterested person and has not represented or held an interest adverse to the interest of the estate on the matter on which he was employed in compliance with Bankruptcy Code Section 327(a).

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Rule 9016.1 (continued)

8. A history of the case in narrative form.

9. A. The application shall include a cover sheet which will give the court a quick summary of the fee application. The Clerk shall not accept for filing any fee application unless the cover sheet is included with all blanks completed or marked N/A.

B. The cover sheet required to be filed by the immediately preceding subsection shall conform substantially to Local Form No. 2.

10. A proposed order of court.

COMMENT

The purpose of this rule is to provide the Bankruptcy Judge with adequate information to decide the appropriateness of fee applications. The history of the case required by 9016.1(8) should be a concise narrative generally one page or less. The information should give sufficient detail so that the court will have a general grasp of the important events that occurred in the course of the case and their outcome.

If a Chronological Listing is submitted pursuant to 9016.1(5)C, the summary of each category shall be a concise narrative of what occurred and the result to the estate. (A few sentences or a short paragraph will be sufficient).

Note that this Rule begins with "unless otherwise ordered" recognizing that in some cases (such as in very large or very small cases), a different format would make more sense. Authorization may be sought from the court to use a shorter version of the fee application in the body of the fee application itself rather than filing a separate motion. The cover sheet along with a Chronological Listing or Category, listing the disclosure statement per Bankruptcy Rule 2016 and a statement complying with Bankruptcy Code § 327(a), may be sufficient.

Examples of the Chronological and Category Listings are included in the appendix to these Rules.

Rule 9016.2 PROCEDURES FOR CONSIDERATION OF FEE APPLICATION

A. Unless otherwise ordered, all fee applications filed in Chapter 7 cases will be considered only after the trustee in the case has filed a final account and there has been a proposed order of distribution submitted for the court's consideration and the Clerk or such other person as the court may direct has given notice thereof to all parties in interest, including the United States Trustees, as well as notice of the last date to file objections thereto.

B. 1. Unless otherwise ordered, in conjunction with fee applications filed in Chapter 11 cases, the Clerk, or such person as the court may direct, shall promptly give notice to all parties in interest of the filing of the application and the last day for filing objections thereto.

2. If objections are filed, a hearing shall be scheduled by the court and notice thereof shall be given only to the applicant, any objector, and the United States Trustee for the Western District of Pennsylvania.

3. If no objections are filed, the court may approve the fee application without a hearing or may schedule a hearing thereon.

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

LOCAL BANKRUPTCY FORM NO. 1

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Bankruptcy No. _____)
)
)
)
Debtor(s) _____)

CERTIFICATE OF MAILING OF NOTICE
OR OTHER DOCUMENT TO PARTIES IN INTEREST

I, _____, certify under penalty of perjury that I mailed a copy of the
attached _____ to the parties at the addresses on the attached matrix, on
_____.

The total number of copies sent was _____.

EXECUTED ON:

_____ Signature: _____
Name: _____

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

LOCAL BANKRUPTCY FORM NO. 2

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

:
:
:
:
:
:

CASE NO. _____

Debtor(s)

SUMMARY COVER SHEET
FEEES AND EXPENSES APPLICATION

- a. Your applicant was appointed on _____.
- b. Your applicant represents _____.
- c. The total amount of the compensation requested is _____.
- d. The compensation is _____.
- (state whether interim or final compensation
- e. The total amount of expenses for which reimbursement is sought is _____
and is for the period from _____ to _____.
- f. The dates and amounts of previous compensation paid are _____
_____.
- g. The date and amount of any retainer paid are _____ and
\$_____.

Applicant's Signature

DATED: _____

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

APPENDIX

EXAMPLE OF CATEGORY LISTING OF
TIME AND SERVICES

Acme Shoe Company
Chapter 11

EXHIBIT "A"

Category Listing of time and services or tasks by category on behalf of Acme Shoe Company, Debtor, during the period from May 1, 1985 to the closing of the case.

CATEGORY 1. - Sale of real estate at 320 Grant Avenue, Pittsburgh, PA to Jones Company for \$30,000.00 including negotiations with purchaser, drafting Agreement of Sale, lien search, preparation and filing of Motion and Order for sale, hearing on sale and closing on sale and preparation and filing of report of sale. After payment of all liens and expenses of sale the estate netted \$24,500.00.

<u>DATE</u>	<u>ATTY</u>	<u>DESCRIPTION OF SERVICE</u>	<u>HOURS</u>
5/1/85	RB	Conference with Jones Company representatives re: potential purchase of 320 Grant Avenue	1:00
5/3/85	RB	Preparation of Agreement of Sale for 320 Grant Avenue	1:00
5/4/85	RB	Lien search of 320 Grant Avenue	1:30
5/4/85	RB	Preparation of Motion to sell 320 Grant Avenue free and clear of liens	1:20
5/4/85	RB	Arranging for sale date with Clerks office	0:20
5/4/85	RB	Drafting Notice of Sale of 320 Grant Avenue	0:20
5/5/85	RB	Letters - serving lienor, respon-	0:20

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

<u>DATE</u>	<u>ATTY</u>	<u>DESCRIPTION OF SERVICE</u>	<u>HOURS</u>	<u>CODE PER EXH.B</u>
		dents, PNB and Mellon Bank with Motion to Sell 320 Grant Avenue		
5/20/85	RB	Drafting Return of Sale and Confirmation Order on 320 Grant Avenue	0:30	
6/5/85	RB	Hearing on sale of 320 Grant Avenue Motion No. 85-421	1:00	
6/6/85	RB	Preparation of Deed on sale of 320 Grant Avenue	0:30	
6/16/85	RB	Closing on sale of 320 Grant Avenue	1:30	
6/16/85	RB	Preparation and filing of Report of Sale	0:30	
		TOTAL IN CATEGORY 1 -	9:50	

CATEGORY 2. - Distribution to Creditors per Order of August 14, 1985, including preparation and filing of Motion, obtaining Order of Court and making the distribution of \$36,533.61 to priority creditors and \$21,794.45 as a 4% distribution to Class 4 general creditors.

<u>DATE</u>	<u>ATTY</u>	<u>DESCRIPTION OF SERVICE</u>	<u>HOURS</u>
9/17/85	JS	Review & Sign Distribution Checks	0:30
9/18/85	JS	Covering letters to all creditors, Anderson, Wagner, Bernstein & Debtor re the distribution	0:50
		TOTAL IN CATEGORY 2 -	1:20

CATEGORY 3. - Tax returns and tax refund including arranging for filing of final returns, numerous calls and letters to Pennsylvania Department of Revenue resulting in tax refund of \$12,435.04.

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

<u>DATE</u>	<u>ATTY</u>	<u>DESCRIPTION OF SERVICE</u>	<u>HOURS</u>
5/02/85	JS	Telephone Call: Virginia Vatz of Pa. Dept. of Revenue re tax refund	0:20
5/04/85	JS	Letter: PA Dept. of Revenue re status of tax returns	0:20
5/06/85	JS	Telephone call: IRS re final tax return	0:10
1/21/86	JS	Letters: Yohn & copy to PA Dept. of Revenue re: tax refund	0:20
2/25/86	JS	Letter: Pa. Dept. of Revenue re tax refund	0:20
		TOTAL IN CATEGORY 3 -	1:30

CATEGORY 4. - Final distribution to creditors, including
preparation of Motion for Distribution, obtaining Order of Court.

<u>DATE</u>	<u>ATTY</u>	<u>DESCRIPTION OF SERVICE</u>	<u>HOURS</u>
7/15/86	JS	Draft: Receipts and disbursements Schedules	1:00
7/16/86	JS	Draft: Motion & Order for Distribution	1:10
7/16/86	JS	Letters: Bernstein re Distribution	0:20
		TOTAL IN CATEGORY 4 -	2:30

CATEGORY 5. - Miscellaneous matters, including general
administration, answering inquiries of creditors, administering
disbursing agent account and closing estate.

<u>DATE</u>	<u>ATTY</u>	<u>DESCRIPTION OF SERVICE</u>	<u>HOURS</u>
6/10/85	JS	Review: claims in Clerk's Office	0:20
6/12/85	JS	Telephone call: Yohn re: EDA's claim	0:10

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

<u>DATE</u>	<u>ATTY</u>	<u>DESCRIPTION OF SERVICE</u>	<u>HOURS</u>
3/04/86	JS	Letter: U.S. Customs & copy to Weakland re excise tax claim	0:20
7/28/86	JS	Estimated time for all matters in connection with making final distribution and closing case	5:00
		TOTAL IN CATEGORY 5 -	5:50
		TOTAL TIME IN ALL CATEGORIES -	21:00

DISBURSEMENTS

6/24/85	JS	Copy Expense	\$38.50
8/23/85	JS	Copy Expense and postage on distribution	<u>32.00</u>
		TOTAL DISBURSEMENTS	\$70.50

BILLING SUMMARY

JS	9 Hrs. 50 Min.	\$135.00	\$ 1,327.05
RB	11 Hrs. 40 Min.	\$125.00 -	<u>1,396.25</u>
CLIENT TOTAL	-		\$ 2,723.30
	CURRENT BILLING:		\$ 2,723.30
	CURRENT EXPENSES:		<u>70.50</u>
	TOTAL AMOUNT DUE:		<u>\$ 2,793.80</u>

EXAMPLE OF CHRONOLOGICAL SUMMARY OF TIME
AND SERVICES WITH AN EXHIBIT "B" DESCRIBING
THE CATEGORIES

Acme Shoe Company
Chapter 11

EXHIBIT "A"

CHRONOLOGICAL SUMMARY OF TIME AND SERVICES
RENDERED ON BEHALF OF DEBTOR DURING PERIOD
FROM MAY 1, 1985 TO CONCLUSION OF CASE

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LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

<u>DATE</u>	<u>ATTY</u>	<u>DESCRIPTION OF SERVICE</u>	<u>HOURS</u>	CODE PER <u>EXH.B</u>
5/1/85	RB	Conference with Jones Co. representative re: potential purchase of 320 Grant Avenue	1:00	1
5/02/85	JS	Telephone call: Virginia Vatz and Pa. Dept. of Revenue re tax refund	0.20	3
5/3/85	RB	Preparation of Agreement of Sale for 320 Grant Avenue	1:00	1
5/4/85	RB	Lien search of 320 Grant Ave	1:30	1
5/4/85	RB	Preparation of Motion to sell 320 Grant Avenue free and clear of liens	1:20	1
5/4/85	RB	Arranging for sale date with clerks office	0:20	1
5/4/85	RB	Drafting Notice of Sale of 320 Grant Avenue	0:20	1
5/04/85	JS	Letter: Pa. Dept. of Dept. of Revenue re: status of tax claim	0:20	3
5/5/85	RB	Letters - serving lienor, respondents, PNB and Mellon Bank with Motion to Sell 320 Grant Avenue	0:20	1
5/06/85	JS	Telephone call: IRS re final tax return	0:10	3
05/20/85	RB	Drafting Return of Sale and Confirmation Order on 320 Grant Avenue	0:30	1
6/5/85	RB	Hearing on sale of 320 Grant Avenue Motion No. 85-421	1:00	1
6/6/85	RB	Preparation of Deed on sale of 320 Grant Avenue	0:30	1

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

<u>DATE</u>	<u>ATTY</u>	<u>DESCRIPTION OF SERVICE</u>	<u>HOURS</u>	<u>CODE PER EXH.B</u>
6/10/85	JS	Review Claims in clerk's office	0:20	5
6/12/85	JS	Telephone call: Yohn re: EDA claim	0:10	5
6/16/85	RB	Closing on sale of 320 Grant Avenue	1:30	1
6/16/85	RB	Preparation and filing of Report of Sale	0:30	1
9/17/85	JS	Review & Sign: Distribution checks	0:30	2
9/18/85	JS	Covering letters to all creditors, Anderson, Wagner, Bernstein & Debtor re: the distributions	0:50	2
1/21/86	JS	Letters Yohn & copy to Pa. Dept. of Revenue re tax refund	0:20	3
2/25/86	JS	Letter: Pa. Dept. of Revenue re tax refund	0:20	3
3/04/86	JS	Letters: U.S. Customs & copy to Weakland re: excise tax claim	0:20	5
7/15/86	JS	Draft: Receipts & Disbursements Schedules	1:00	4
7/16/86	JS	Draft: Motion & Order for distribution	1:10	4
7/16/86	JS	Letters: Bernstein re: Distribution	0:20	4
7/30/86	JS	Estimated time for all matters in connection with making final distribution and closing case	5:00	5
		TOTAL HOURS	21:00	

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

DISBURSEMENTS

6/24/85	JS	Copy Expense	\$38.50
8/23/85	JS	Copy Expense and postage on distribution	<u>\$32.00</u>
		TOTAL DISBURSEMENTS	\$70.50

BILLING SUMMARY

JS	9 Hrs. 50 Min. @ \$135.00	\$1,327.05
RB	11 Hrs. 10 Min. @ \$125.00	<u>1,396.25</u>
	CLIENT TOTAL	\$2,723.30

CURRENT BILLING:	\$2,723.30
CURRENT EXPENSES:	<u>70.50</u>
TOTAL AMOUNT DUE:	\$2,793.80

EXHIBIT "B"

Category Listing of time and services on behalf of Acme Shoe Company, Debtor, during the period from May 1, 1985 to the closing of the case.

- | | | |
|------|--|-----------------------|
| I. | <u>Category 1.</u> - Sale of real estate at 320 Grant Avenue, Pittsburgh, PA to Jones Company for \$30,000.00 including negotiations with purchaser, drafting Agreement of Sale, lien search, preparation and filing of Motion and Order for sale, hearing on sale and closing on sale and preparation and filing of report of sale. After payment of all liens and expenses of sale the estate netted \$24,500.00 | 9 hrs. 50 min. |
| II. | <u>Category 2.</u> - Distribution to Creditors per Order of August 14, 1985, including preparation and filing of Motion, obtaining Order of Court and making the distribution of \$36,533.61 to priority creditors and \$21,794.45 as a 4% distribution to Class 4 general creditors | 1 hrs 20 min. |
| III. | <u>Category 3.</u> - Tax returns and tax refund including arranging for filing of final returns, numerous calls and letters to Pennsylvania Department of Revenue resulting in tax refund of \$12,435.04 | 1 hrs. 30 min. |
| IV. | <u>Category 4.</u> - Final distribution to creditors, including preparation of Motion for distribution, obtaining Order of Court and making the distribution itself | 2 hrs. 30 min. |
| V. | <u>Category 5.</u> - Miscellaneous matters, including general administration, answering inquiries of creditors, administering disbursing agent account and closing estate | <u>5 hrs. 50 min.</u> |
| | TOTAL | 21 hrs. |

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

LOCAL BANKRUPTCY FORM NO. 3

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:	:	BANKRUPTCY NO. _____ *
	:	
	:	CHAPTER NO. _____
Debtor(s)	:	
	:	
	:	MOTION NO. _____
	:	
Movant	:	Filed under Local Bankr.
	:	Rule 9013.4 ¶6()
v.	:	(Insert a, b or c)
	:	
	:	
Respondent	:	

MOTION FOR

* add the judge's initials

Dated _____

Attorney for Movant/Applicant:

(Signature)

(Typed Name)

(Address)

(Phone and PA Attorney I.D. No.)

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

LOCAL BANKRUPTCY FORM NO. 4A

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE : BANKRUPTCY NO. _____
:
: CHAPTER NO. _____
Debtors :
:
:
Movant : MOTION NO. _____
:
v. :
: Filed under Local Bankr.
: Rule 9013.4 ¶6(a)
:
Respondent :

NOTICE OF HEARING
WITH RESPONSE DEADLINE
ON MOTION OF (NAME OF MOVANT)
FOR

TO THE RESPONDENT(S)

You are hereby notified that the above Movant seeks an order affecting your rights or property.

You are further notified to serve (in duplicate) a written response to the attached Motion, upon the undersigned which the undersigned must receive on or before _____, 19____, (seventeen (17) calendar days after the date of this Notice). If you fail to timely respond, the Motion will be granted by the court by default without a hearing. See Local Bankruptcy Rule 9013.4.

You should take this to your lawyer at once.

If your written response (in duplicate) is timely served, the undersigned will file the Motion and all Responses with the Clerk of the Bankruptcy Court and a hearing will be held on _____ at _____.m. before Judge _____ in Court Room _____, _____(address). Only a limited time of 15 minutes is being provided on the calendar. No witnesses will be heard. If there is an issue of fact, an evidentiary hearing will be scheduled at a later date by the Clerk. No hearing will be held if you do not timely serve a written response.

Date of Mailing or other service: _____

Attorney for Movant/Applicant:

(Signature)

(Typed Name)

(Address)

(Phone and PA Attorney I.D. No.)

*Movant must serve this Notice and a copy of the motion on all Respondents. Movant must serve only the Notice on all creditors and other parties in interest as and when required by applicable bankruptcy rules.

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

LOCAL BANKRUPTCY FORM NO. 4B

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE : BANKRUPTCY NO. _____
:
: CHAPTER NO. _____
Debtors :
:
Movant : MOTION NO. _____
:
v. :
: Filed under Local Bankr.
: Rule 9013.4 ¶6(b)
:
Respondent :

NOTICE OF HEARING
WITH RESPONSE DEADLINE
ON MOTION OF (NAME OF MOVANT)
FOR

TO THE RESPONDENT(S)

You are hereby notified that the above Movant seeks an order affecting your rights or property.

You are further notified to serve (in duplicate) a written response to the attached Motion, upon the undersigned which the undersigned must receive on or before _____, 19____, (seventeen (17) calendar days after the date of this Notice). If you fail to timely respond, the Motion will be granted by the court by default without a hearing. See Local Bankruptcy Rule 9013.4.

You should take this to your lawyer at once.

With or without your written response (in duplicate), the undersigned will timely file the Motion and all Responses with the Clerk of the Bankruptcy Court. A hearing will be held on _____ at _____. before Judge _____ Room _____, _____ (address). Only a limited time of 15 minutes is being provided on the calendar. No witnesses will be heard. If there is an issue of fact, an evidentiary hearing will be scheduled at a later date by the Clerk.

Date of Mailing or other service: _____

Attorney for Movant/Applicant:

(Signature)

(Typed Name)

(Address)

(Phone and PA Attorney I.D. No.)

*Movant must serve this Notice and a copy of the motion on all Respondents. Movant must serve only the Notice on all creditors and other parties in interest as and when required by applicable bankruptcy rules.

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

LOCAL BANKRUPTCY FORM NO. 4C

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE : BANKRUPTCY NO. _____
:
: CHAPTER NO. _____
Debtors :
:
:
Movant : MOTION NO. _____
:
v. :
: Filed under Local Bankr.
: Rule 9013.4 ¶6(b)
:
Respondent :

NOTICE OF NONEVIDENTIARY HEARING WITH RESPONSE DEADLINE
ON MOTION TO SELL PROPERTY

TO THE RESPONDENT(S) AND ALL CREDITORS AND PARTIES IN INTEREST:

You are hereby notified that the above Movant seeks an order to sell property in which Respondents may have an interest.

Anyone who wishes to object is further notified to serve (in duplicate) a written response to the Motion upon the undersigned which the undersigned must receive on or before _____, 19____, (seventeen (17) calendar days after the date of the Notice). If Respondents fail to timely respond, the Motion may be granted at the hearing. See Local Bankruptcy Rule 9013.4.

Each Respondent should take this to his lawyer at once.

Whether or not any written response is received, the undersigned will timely file the Motion and all responses with the Clerk of the Bankruptcy Court. A hearing will be held on _____ at _____ m. before Judge _____ in Court Room _____, _____(address). The court may entertain higher offers at the hearing.

The property to be sold is: _____

Terms of sale are: _____

Examination of the property or further information can be obtained from the undersigned.

Date of Mailing or other service: _____
Attorney for Movant/applicant

(Signature)

(Typed Name)

(Address)

(Telephone and PA Attorney I.d. No.)

*Movant must serve this Notice and a copy of the motion on all Respondents. Movant must serve only the Notice on all creditors and other parties in interest as and when required by applicable bankruptcy rules.

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

LOCAL BANKRUPTCY FORM NO. 4D

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE : BANKRUPTCY NO. _____
:
: CHAPTER NO. _____
Debtors :
:
:
Movant : MOTION NO. _____
:
v. :
: Filed under Local Bankr.
: Rule 9013.4 ¶6(b)
:
Respondent :

NOTICE OF NONEVIDENTIARY HEARING WITH RESPONSE DEADLINE
ON MOTION TO SELL PROPERTY AT PUBLIC AUCTION

TO THE RESPONDENT(S) AND ALL CREDITORS AND PARTIES IN INTEREST:

You are hereby notified that the above Movant seeks an order to sell property in which respondents may have an interest.

Anyone who wishes to object is further notified to serve (in duplicate) a written response to the Motion upon the undersigned which the undersigned must receive on or before _____, 19____, (seventeen (17) calendar days after the date of the Notice). If Respondents fail to timely respond, the Motion may be granted at the hearing. See Local Bankruptcy Rule 9013.4.

Each Respondent should take this to his lawyer at once.

Whether or not any written response is received, the undersigned will timely file the Motion and all responses with the Clerk of the Bankruptcy Court. A hearing will be held on ____ at ____ m. before Judge _____ in Court Room _____, _____ (address).

THEREAFTER THE SALE ITSELF WILL BE CONDUCTED BY THE UNDERSIGNED ON _____ AT _____ M. AT THE FOLLOWING LOCATION: _____

The property to be sold is: _____

Terms of sale are: _____

Examination of the property or further information can be obtained from the undersigned.

Date of Mailing or other service: _____

Attorney for Movant/applicant

(Signature)

(Typed Name)

(Address)

(Telephone and PA Attorney I.d. No.)

*Movant must serve this Notice and a copy of the motion on all Respondents. Movant must serve only the Notice on all creditors and other parties in interest as and when required by applicable bankruptcy rules.

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

LOCAL BANKRUPTCY FORM NO. 5

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE	:	BANKRUPTCY NO. _____
	:	
	:	CHAPTER NO. _____
Debtor(s)	:	
	:	
	:	
	:	
Movant	:	MOTION NO. _____
	:	
v.	:	
	:	Filed under Local Bankr.
	:	Rule 9013.4 ¶6()
	:	(insert a, b or c)
Respondent	:	

CERTIFICATE OF SERVICE

I, the undersigned, certify that I served or caused to be served, on the _____ day of _____, 19____, a copy of the above Motion with attached proposed order(s) of court, and the Notice of Hearing filed herewith upon each of the following persons and parties in interest at the addresses shown below:

Method of Service: Mail _____; Specify if other: _____

Attorney for Movant/Applicant:

(Signature)

(Typed Name)

(Address)

(Phone and PA Attorney I.D. No.)

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

LOCAL BANKRUPTCY FORM NO. 6

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE	:	BANKRUPTCY NO. _____
	:	
	:	CHAPTER NO. _____
Debtor(s)	:	
	:	
	:	
Movant	:	MOTION NO. _____
	:	
v.	:	
	:	Filed under Local Bankr.
	:	Rule 9013.4 ¶6()
	:	(insert a or b)
Respondent	:	

CERTIFICATE OF DEFAULT

I, the undersigned, certify that, having served or caused to be served, a copy of the Notice, Motion and proposed orders on _____ (date) as shown in the CERTIFICATE OF SERVICE filed herein, that more than 17 days have passed pursuant to Local Rule 9013.4 and that I received no response as of this date except _____.

Method of service: Mail _____; Specify if other: _____

Dated _____

Attorney for Movant/Applicant:

(Signature)

(Typed Name)

(Address)

(Phone and PA Attorney I.D. No.)

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

LOCAL BANKRUPTCY FORM NO. 7

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE	:	BANKRUPTCY NO. _____
	:	
	:	CHAPTER NO. _____
Debtor(s)	:	
	:	
	:	
	:	
Movant	:	MOTION NO. _____
	:	
v.	:	
	:	Filed under Local Bankr.
	:	Rule 9013.4 ¶16(a)
	:	
Respondent	:	

DEFAULT ORDER ON MOTION FOR RELIEF FROM AUTOMATIC STAY

This ____ day of _____, 19____, upon default, no response objecting to the Motion having been timely filed by an interested party, and upon Movant's certification of service and certification of default, it is

ORDERED that the above-captioned Motion is granted insofar as it requests relief from the automatic stay imposed by 11 U.S.C. §362.

Movant shall, within 5 days hereof, serve a copy of the within order on parties in interest and file a certificate of service.

United States Bankruptcy Judge

c: (name and address of Movant)

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

LOCAL BANKRUPTCY FORM NO. 8

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE	:	BANKRUPTCY NO. _____
	:	
	:	CHAPTER NO. _____
Debtor(s)	:	
	:	
	:	
	:	
Movant	:	MOTION NO. _____
	:	
v.	:	
	:	Filed under Local Bankr.
	:	Rule 9013.4 ¶16(a)
	:	
Respondent	:	

DEFAULT ORDER ON MOTION FOR AVOIDANCE
OF LIENS OR SECURITY INTERESTS

This ____ day of _____, 19____, upon default, no response objecting to the Motion having been timely filed by an interested party, and upon Movant's certification of service and certification of default, it is

ORDERED that the above-captioned Motion is granted and the property of the Debtor(s), as described therein, shall be, and hereby is, released from the liens and/or security interests as requested in the Motion.

Movant shall, within 5 days hereof, serve a copy of the within order on parties in interest and file a certificate of service.

United States Bankruptcy Judge

c: (name and address of Movant)

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

LOCAL BANKRUPTCY FORM NO. 9

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE	:	BANKRUPTCY NO. _____
	:	
	:	CHAPTER NO. _____
Debtor(s)	:	
	:	
	:	
	:	
Movant	:	MOTION NO. _____
	:	
v.	:	
	:	Filed under Local Bankr.
	:	Rule 9013.4 ¶16(a)
	:	
Respondent	:	

DEFAULT ORDER ON MOTION FOR ABANDONMENT

This ____ day of _____, 19____, upon default, no response objecting to the Motion having been timely filed by an interested party, and upon Movant's certification of service and certification of default, it is

ORDERED that the above-captioned Motion is granted and property of the Debtor(s), as described in the Motion, shall be, and hereby is, abandoned by the Trustee and/or the above estate of the Debtor.

Movant shall, within 5 days hereof, serve a copy of the within order on parties in interest and file a certificate of service.

United States Bankruptcy Judge

c: (name and address of Movant)

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

LOCAL BANKRUPTCY FORM NO. 10

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE	:	BANKRUPTCY NO. _____
	:	
	:	CHAPTER NO. _____
Debtor(s)	:	
	:	
	:	
Movant	:	MOTION NO. _____
	:	
v.	:	
	:	Filed under Local Bankr.
	:	Rule 9013.4 ¶16(a)
	:	
Respondent	:	

DEFAULT ORDER - GENERAL

This ____ day of _____, 19____, upon default, no response objecting to the Motion having been timely filed by an interested party, and upon Movant's certification of service and certification of default, it is

ORDERED that (1) the above Motion is granted, or (2) the above Objection to Claim(s) is sustained.

Movant shall, within 5 days hereof, serve a copy of the within order on parties in interest and file a certificate of service.

United States Bankruptcy Judge

Note: An order of transfer (conversion) to different chapter shall be prepared by the Clerk on the appropriate Procedural Form of the Administrative Office of the United States Courts.

c: (Name and Address of Movant)

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

LOCAL BANKRUPTCY FORM NO. 11

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE : BANKRUPTCY NO. _____
: _____
Debtor(s) : CHAPTER NO. _____
: MOTION NO. _____
: Filed under Local Bankr. _____
: Rule 9013.4 ¶16(c)

ORDER APPROVING DISCLOSURE STATEMENT,
FIXING TIME FOR ACCEPTANCES OR REJECTIONS OF PLAN
AND FIXING CONFIRMATION HEARING
COMBINED WITH NOTICE THEREOF

A disclosure statement under Chapter 11 of the Bankruptcy Code having been filed by _____, on _____, referring to a plan under Chapter 11 of the Code filed by _____ on _____ (as modified by a modification filed on _____); and

It having been determined after hearing on notice that the disclosure statement contains adequate information; it is

ORDERED, and notice is hereby given, that:

- A. The disclosure statement filed by _____ dated _____ is approved.
B. _____ is fixed as the last day for filing written acceptances or rejections of the plan referred to above.
C. Within 10 days after the entry of this order, the plan and a summary thereof approved by the court, the disclosure statement and a ballot conforming to Official Form No. 14 shall be mailed to creditors, equity security holders and other parties in interest as provided in Rule 3017(d). Counsel for the proponent of the plan shall perform such mailing, and file a certificate thereof.
D. If acceptances are filed for more than one plan, preferences among the plans so accepted may be indicated.
E. _____, 19____, at _____ .m. o'clock in _____ is fixed for hearing on confirmation of the plan.
F. _____ is fixed as the last day for filing and serving pursuant to Rule 3020(b)(1) written objections to confirmation of the plan, and for filing a ballot accepting or rejecting the plan.
G. Counsel for the proponent of the plan shall file a report of the balloting one day before the hearing on confirmation.

Dated: _____

United States Bankruptcy Judge

c:
(Official Form No. 13, modified)

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

LOCAL BANKRUPTCY FORM NO. 12

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE : BANKRUPTCY NO. _____
:
Debtor(s) : CHAPTER NO. _____
:
:
:
Movant : MOTION NO. _____
:
v. :
: Filed under Local Bankr.
: Rule 9013.4 ¶16()
: (insert a or b)
Respondent :

NOTICE OF CONTINUANCE

TO THE CLERK, UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA AND ALL PARTIES IN INTEREST:

TAKE NOTICE that the above-captioned matter, which was scheduled for hearing
on _____, has been continued. The hearing will be held on
_____ at _____.m. in Courtroom _____, _____ Building,
_____, PA. This is the first continuance of the matter, and all
parties in interest or their counsel have consented.

Attorney for Movant/Applicant:

(Signature)

(Typed Name)

(Address)

(Phone and PA Attorney I.D. No.)

c: (names and addresses)

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

LOCAL BANKRUPTCY FORM NO. 13

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE	:	BANKRUPTCY NO. _____
	:	
	:	CHAPTER NO. _____
Debtor(s)	:	
	:	
	:	
Movant	:	MOTION NO. _____
	:	
v.	:	
	:	Filed under Local Bankr.
	:	Rule 9013.4 ¶16(c)
	:	Related to Mot. No. _____
Respondent	:	(Insert Mot. No. of
	:	matter to be continued)
	:	

ORDER GRANTING CONTINUANCE

This ____ day of _____, 1992, it is hereby ORDERED that the hearing previously scheduled in the above-captioned matter is continued. The hearing shall take place on _____, 19____, at _____.m. in Courtroom _____, _____, Pennsylvania.

United States Bankruptcy Judge

c: (names and addresses)

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

B32 (Official Form 32)
(1/87)

LOCAL BANKRUPTCY FORM NO. 14

UNITED STATES BANKRUPTCY COURT
District of _____

In re

Bankruptcy Case No.

Debtor*

Social Security No.:

Employer Tax I.D. No.:

Motion No.

Filed under Local Bankr.

9013.4 ¶(6(b))

NOTICE OF FILING OF FINAL ACCOUNT OF TRUSTEE,
OF HEARING ON APPLICATIONS FOR COMPENSATION,
PROPOSED FINAL DISTRIBUTION AND PROPOSED ABANDONMENT OF PROPERTY

TO THE CREDITORS:

1. NOTICE IS GIVEN that the final report and account of the trustee in this case has been filed and a hearing will be held by the court at the following place and time.

Address:

Room:

Date and Time:

2. The hearing will be held for the purpose of examining and passing on the final report and account of the trustee, acting on applications for compensation, and transacting such other business as may properly come before the court. ATTENDANCE BY THE DEBTOR AND CREDITORS IS WELCOMED BUT IS NOT REQUIRED.

3. The following applications for compensation have been filed:

Applicants Expenses	Commissions or Fees	
Trustee	\$ _____	\$ _____
Attorney for Trustee	\$ _____	\$ _____
Attorney for Debtor	\$ _____	\$ _____
Attorney for Creditors ' Committee	\$ _____	\$ _____
Other (Specify)	\$ _____	\$ _____
	\$ _____	\$ _____

4. The trustee's account shows total receipts of \$ _____
and total disbursements of \$ _____
for a balance on hand of \$ _____

*Set forth all names, including trade names, used by the debtor within the last 6 years. (Bankruptcy Rule 1005). For joint debtors set forth both social security numbers.

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

B32 (Reversed)
(1/87)

SECOND PAGE OF LOCAL BANKRUPTCY FORM 14

5. In addition to the commissions and fees that may be allowed by the court, liens and priority claims which must be paid in advance of general creditors have been filed in the total amount of \$_____. (State here only amount of liens and priority claims.)

General unsecured claims have been allowed in the amount of \$_____. (State here only amount to be paid.)

6. _____ The debtor has been discharged.
_____ The debtor has not been discharged.
_____ The debtor is a corporation.

7. Any property not administered by the trustee will be deemed abandoned. The trustee's motion to abandon the following property will be heard and acted upon:

8. Anyone objecting to the final account, final fee applications or the proposed order of distribution shall file the objection with the clerk and serve a copy on the trustee and, if objecting to fees, serve a copy of the objection on the applicant. All objections shall be filed and served on or before 10 days before the scheduled hearing date.

9. The trustee's final SUMMARY OF PROPOSED DISTRIBUTION is attached.

Date

Bankruptcy Judge

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

LOCAL BANKRUPTCY FORM NO. 15

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE : BANKRUPTCY NO. _____
: _____
Debtor(s) : CHAPTER NO. _____
: _____
: _____
Applicant : MOTION NO. _____
: Filed under Local Bankr. _____
: Rule 9013.4 ¶6(b)

SUMMARY COVER SHEET AND NOTICE OF HEARING ON PROFESSIONAL FEES
IN CHAPTERS 11, 12 AND 13

To All Creditors and Parties in Interest:

1. Applicant represents _____.
2. This is a (check one)
_____final application
_____an interim application
for the period _____ to _____.- 3. Previous retainer paid to Applicant: \$_____.- 4. Previous interim compensation tentatively allowed to Applicant: \$_____.- 5. Applicant requests additional:
Compensation of \$_____.
Reimbursement of Expenses of \$_____.- 6. A hearing on the Application will be held in Courtroom _____,
_____, and _____, Pennsylvania at _____.m. o'clock,
on _____, 19____. Parties in interest may attend and object.- 7. Any written objections must be served on the Applicant in duplicate on or before
_____, 19____, (seventeen (17) days from the date of this notice). Applicant will file
all objections and other responses with the Clerk. Copies of the application are
available from the applicant.
Date of mailing _____ Applicant or Attorney for Applicant:
or other service: _____

(Signature)

(Typed Name)

(Address)

(Phone and PA Attorney I.D. No.)

(Note: 1. Scheduling dates in this Notice shall comply with L.R. 9013.4 ¶4(b). 2. The full application need be served only upon Debtor, counsel for Debtor, the U.S. Trustee, a chapter 11 trustee if one exists, and attorneys for all committees. 3. Applicant shall serve this Notice on all creditors and parties in interest including any person who has failed a request for notices. 4. A certificate of service shall be filed with this Notice, the application and any responses as required by L.R. 9013.4 ¶5(b). 5. This Form shall not be used in chapter 7 cases. In chapter 7 cases Applicants use L.B. Form 2. Trustees use L.B. Forms 2 and 14.

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

LOCAL BANKRUPTCY FORM NO. 16

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE	:	BANKRUPTCY NO. _____
	:	
	:	ADVERSARY NO. _____
Debtor(s)	:	
	:	
	:	
Plaintiff/Movant	:	MOTION NO.* _____
	:	
v.	:	
	:	Filed under Local Bankr.
	:	Rule 9013.4 ¶6(c)
	:	
Defendant/Respondent	:	

ORDER AND NOTICE OF HEARING ON APPROVAL OF SETTLEMENT

TO ALL CREDITORS AND PARTIES IN INTEREST:

IT IS ORDERED AND NOTICE IS GIVEN THAT a Motion for Approval of Settlement has been filed in the above-captioned estate by: _____.

1. Summary and reason for settlement:

2. _____, 19____, at _____ .m. is fixed for hearing on this matter in _____. You may file an objection to the settlement; if you do, you must file it with the Clerk by _____; it should specifically state the basis of the objection, and you are required to be present at the hearing.

3. Movant shall serve _____ a copy of this Order and Notice on all creditors (or their official committee), other parties in interest the debtor, and the trustee (if a trustee has been appointed), by mail, and will file a certificate of such service within 5 days hereof.

Date : _____

United States Bankruptcy Judge

*Movant is to complete this form before filing it as a cover sheet with the proposed settlement, leaving blank the hearing and objection dates. If the court determines that a hearing is necessary, objection and hearing dates will be provided to movant with this form.

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

LOCAL FORM NO. 17

REPLACED BY LOCAL FORM NO. 19

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LOCAL FORM #18

IN RE:)
)
) Case #
)
Debtor(s)) Chapter #)

DECLARATION IN LIEU OF AFFIDAVIT

Regarding Request To Be Added to the Mailing Matrix

I am the Attorney for _____, a creditor in the above captioned bankruptcy case, and I am authorized by this creditor to make the accompanying request for notices. The new address should be used instead of the existing address, and added to the matrix. I have reviewed the mailing matrix on file in this case and I hereby certify that the request for notices being filed herewith replaces the creditor's address listed on the matrix, supersedes and cancels all prior requests for notice by the within named creditor, and:

Please check the appropriate box

- (e) that there are no other requests to receive notices on behalf of this creditor, or
- G that the following prior request(s) for notice by or on behalf of this creditor shall be deleted from the matrix:

Creditor's Name

Creditor's Address

City, State and Zip

I declare under penalty of perjury that the foregoing is true and correct. Executed on _____.
(Date)

Attorney For Creditor (PLEASE TYPE)

Signature of Attorney For Creditor

Attorney's P.A. I.D. #

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LOCAL BANKRUPTCY FORM #19

+,
.- Check here if this is an amended plan
Chapter 13 Case No.: _____

D#1 _____ D#1 SSN: _____
D#2 _____ D#2 SSN: _____

PLAN SUMMARY COMBINED WITH NOTICE OF CLAIMS BY DEBTOR

Total amount of \$_____ per month shall be paid to the Trustee from future earnings as follows:			
Payments:	By income attachment	Directly by Debtor	By Automated Bank Transfer
D#1	\$ _____	\$ _____	\$ _____
D#2	\$ _____	\$ _____	\$ _____
Estimated amount of additional plan funds from sale proceeds, etc.: \$ _____			
It is proposed that payments shall be made over a period of _____ months (total plan length)			

1. LONG TERM CONTINUING SECURED DEBTS CURED AND REINSTATED, AND LIEN RETAINED.

Name of Creditor	Contractual monthly payment to be paid throughout plan	Amount of prepetition arrears to be cured under plan	Interest rate to be paid on arrears	Months expected to cure arrears (begin - end)	Total claim amount

2. SECURED CLAIMS PAID IN FULL DURING TERM OF PLAN, ACCORDING TO ORIGINAL CONTRACT TERMS, WITH NO MODIFICATION OF CONTRACTUAL TERMS AND LIENS RETAINED UNTIL PAID

Name of Creditor	Principal paid	Interest Rate	Contractual monthly payment	Plan month claim expected to be paid in full	Amount of prepetition arrears to be cured	Interest rate to be paid on arrears	Months expected to cure arrears (begin - end)	Total claim

3. SECURED CLAIMS FULLY PAID ACCORDING TO MODIFIED TERMS AND LIENS RETAINED

Name of Creditor	Modified Principal Balance	Interest Rate	Monthly Payment	Month Payments to begin	Number of months

4. SECURED CLAIMS NOT PAID DUE TO SURRENDER OF COLLATERAL AND DATE TO BE SURRENDERED **5. THE DEBTOR PROPOSES TO AVOID OR LIMIT THE LIENS OF THE FOLLOWING CREDITORS**

6. SECURED TAX CLAIMS FULLY PAID AND LIENS RETAINED

Name of Creditor	Total amount of secured tax claim	Interest rate	Monthly payment	Month payments to begin	Number of months

7. PRIORITY TAX CLAIMS PAID IN FULL

Name of Creditor	Total amount of priority tax and interest claim	Interest rate	Monthly payment	Month payments to begin	Number of months

8. ADMINISTRATIVE PRIORITY CLAIMS FULLY PAID

a. Percentage fees payable to the Chapter 13 Fee and Expense Fund shall be paid at the rate fixed by the United States Trustee not to exceed ten percent of distributions.

b. Filing fees: the balance of \$_____ shall be fully paid by the Trustee to the Clerk of Bankruptcy Court from the first available funds.

c. Attorney fees: payable to (name and address) _____

d. In addition to a retainer of \$_____ already paid by or on behalf of the debtor, the amount of \$_____. Distributions estimated to begin in month number: _____ for a total of _____ months.

e. Other professional fees: payable to (name and address) _____

In addition to a retainer of \$_____ already paid by or on behalf of debtor, the amount of \$_____. Distributions estimated to begin in month number: _____ for a total of _____ months.

9. OTHER PRIORITY CLAIMS TO BE PAID IN FULL

Name of Creditor	Total amount of claim	Interest rate	Monthly payment	Month payments to begin	Number of months

10. CLAIMS OF UNSECURED, NONPRIORITY CREDITORS SPECIALLY CLASSIFIED

Name of Creditor	Principal balance	Interest rate	Monthly payments	Arrears to be cured	Interest rate on arrears	Month payment to begin	Number of months

11. CLAIMS OF GENERAL, NONPRIORITY UNSECURED CREDITORS: Creditors not specifically identified in Parts 1 - 10, above, are included in this class.

The estimated percentage of payment to general, unsecured creditors is _____ %

2.

Distributions to general, unsecured creditors expected to begin in month _____ of the plan term and to continue for _____ months. The percentage of payment may change, based upon the total amount of allowed claims.

The foregoing is an accurate summary of debtor's plan. The corresponding plan contains greater details, and should be consulted for further information. The statements in the plan constitute claims by debtor for those secured and priority creditors provided to be paid therein. Pursuant to Rule 3004, such claims will take effect one day after the §341 meeting unless the creditor has filed its own superseding claim.

Name, address and telephone number of attorney for debtor (or debtor if not represented by attorney):

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

LOCAL FORM NO. 20

REPLACED BY LOCAL FORM NO. 21

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LOCAL BANKRUPTCY FORM #21

In Re:	}	Case No.:
D#1 _____		Chapter 13 _____
D#2 _____		
Debtors		
SSN D#1 _____	}	Hearing Date: _____
SSN D#2 _____		+), .)- Check if amended plan

CHAPTER 13 PLAN DATED _____
COMBINED WITH CLAIMS BY DEBTOR PURSUANT TO RULE 3004

I. GOALS OF PLAN

A. The following plan has been proposed by the above named Debtor(s) (hereinafter, the singular shall include the plural), pursuant to Chapter 13 of the United States Bankruptcy Code. Chapter 13 is a voluntary procedure which allows individuals to pay their debts over a period of time. This plan contains information as to the nature and extent of the debts to be repaid in this case, as well as general timing and sequence of the payments to be made under the plan.

B. The Debtor acknowledges that this plan shall not be completed merely by the passage of time, but that the goals of this plan must be achieved. Among the goals which must be met are, inter alia, the cure of defaults on secured debts, full payment of priority claims, and distributions to general unsecured creditors consistent with the "best effort" (11 U.S.C. § 1325(b)(1)(B)) and "liquidation alternative" (11 U.S.C. § 1325(a)(4)) requirements of the Bankruptcy Code. To this end, the Debtor consents to any extension deemed necessary by the Trustee up to 60 months to insure that payments to creditors are completed, without prejudice to the rights of the Debtor to seek a modification of the plan.

C. Schedules listing the Debtor's assets, liabilities, income and expenses are on file with the Clerk of Bankruptcy Court and are available for review by interested parties. Questions concerning the specific provisions of the plan should be directed to the Debtor's attorney. Objections to the plan should be expressed in writing and filed on or before the deadline for objections noted on the Court's scheduling notice concerning the meeting of creditors and the confirmation hearing, or established by subsequent order of Court.

D. Words or phrases defined in the Bankruptcy Code 11 U.S.C. § 101 et seq., shall have those meanings when used in this plan. This plan form incorporates the structure and process of the Chapter 13 program in this District, and no changes have been made in the form in this case.

II. DISTRIBUTION AND ADEQUATE PROTECTION

A. All prepetition debts are paid through the Trustee. Distributions begin with the month following confirmation of the plan, unless the Court orders otherwise. The Court may order the Trustee to make interim distributions to secured creditors as a means of adequate protection, and/or the Court may confirm the plan on an interim basis to authorize distributions to secured creditors. The Debtor hereby consents to the entry of an order authorizing the Trustee to make interim distributions to secured creditors. Adequate protection distributions shall not be recoverable in the event of a subsequent conversion or dismissal. Percentage fees to the Trustee are paid on all distributions, at the rate fixed by the United States Trustee.

B. Distributions are fundamentally hierarchical. The plan designates an intended sequence and commencement date of payments. However, specific distribution amounts are calculated by the Trustee monthly. The Trustee has the discretion to adjust, interpret and implement the distribution schedule to carry out the purposes of the plan. Distributions may vary as the result of such factors as variable interest rates, escrow requirements, changes in percentage fees, etc. As the plan concludes, the Trustee may temporarily continue making regular monthly distributions on long-term debts, while the transition to disbursements by the Debtor is being effectuated.

III. DEBTOR'S PROOFS OF CLAIM; RECONCILIATION OF CLAIMS WITH PLAN

A. This plan shall contain specific statements of the identities of and amounts to be paid to secured, priority and specially classified creditors, as required by local bankruptcy rules. These statements shall constitute claims by the Debtor pursuant to Bankruptcy Rule 3004, to take effect on the day following the commencement of the meeting of creditors. Proofs of claim by the Trustee will not be required. The Debtor has filed a plan summary which accurately reflects the amount of each secured, priority and specially classified claim provided for in this plan, and the Clerk shall be entitled to rely on the accuracy of the information contained in the said plan summary as to each such claim. Following confirmation of the plan, the Trustee shall make distributions to secured, priority and specially classified creditors in accordance with the terms of the plan and with local bankruptcy rules.

B. In the event that a secured, priority or specially classified creditor provided for in the plan files its own claim, then the creditor's claim shall govern as to the amount of such claim, as contemplated by Bankruptcy Rule 3004. If a higher amount is claimed by the creditor, the higher amount shall not be distributed to the creditor until the Debtor's counsel of record (or the Debtor if not represented by an attorney), is given notice and an opportunity to object. The Trustee is authorized to pay higher claims without prior notice where the claim amount is less than \$100.00 higher than the amount provided for in the plan.

C. In the event that a prepetition creditor files a claim asserting secured or priority status but is not provided for in the plan, then after notice to the Debtor's counsel of record (or the Debtor if not represented by an attorney) with an opportunity to object, the Trustee shall pay such creditor one hundred percent of its claim from available funds along with the other claims of the same class, if any; otherwise, the claim shall be paid at such time as the Trustee shall determine.

D. The provisions in paragraph III.B and III.C, above, shall apply equally to claims filed before or after the "claims bar date."

E. Creditors must serve all types of claims, whether amendments or originals, on the Debtor's counsel of record (or the Debtor if not represented by an attorney) and Trustee in order to be effective if the claim is filed after the "claims bar date". CLAIMS NOT PROPERLY SERVED WILL NOT BE PAID.

F. Claims filed for postpetition debts are dealt with in Part VIII.F, below.

G. Nothing herein shall be construed to limit or alter the responsibility of the Debtor to review the claims and to object to the allowance of claims for cause.

H. In the event that the adequacy of the plan's funding or the likelihood of the achievement of the plan's objectives is materially and adversely affected by the allowance of a claim that is either not provided for in the plan or is filed in an amount exceeding the amount provided for in the plan, then the Debtor shall promptly amend the plan to address the same.

IV. PROPERTIES AND FUTURE EARNINGS SUBJECT TO THE SUPERVISION AND CONTROL OF THE TRUSTEE

The Debtor submits to the supervision and control of the Trustee all or such portion of the Debtor's future earnings or other future income as is needed to carry out the plan, including:

A. The total amount of \$_____ per month which shall be paid to the Trustee from future earnings.

1. In the initial plan, this payment commences with the month following the filing of the _____ plan.

2. If this is an amended plan, then the following shall apply:

a. the total plan payments shall consist of all amounts previously paid, together with the new monthly payment for the remainder of the plan's duration;

b. the plan payment shall change on the following date: _____;

c. if this plan is being funded through an income attachment, the Trustee is authorized to immediately obtain an amended income attachment order.

B. Estimated amount of sale proceeds: \$_____ (from sale of property known as: _____).

C. Other payments: _____ i.e. lump sum payments in addition to monthly payments. For third party contributions, attach a written agreement from the third party.

D. Estimated total of all payments into the plan \$_____. The Trustee shall calculate the actual total of payments.

E. The monthly installment will be paid to the Trustee as follows:

Debtor #1 \$_____ by income attachment; \$_____ directly by the Debtor; \$_____ by automatic bank draft
The pay period for debtor #1 is _____ (eg. weekly, every other week, twice a month, monthly, other)

Debtor #2 \$_____ by income attachment; \$_____ directly by the Debtor; \$_____ by automatic bank draft
The pay period for debtor #2 is _____ (eg. weekly, every other week, twice a month, monthly, other)

F. If the monthly payment to the Trustee fluctuates, check here _____ and attach a schedule of payments and explanation of the need for fluctuations.

V. DURATION AND COMPLETION

A. It is proposed that payments shall be made over a period of _____ months (total plan length), which shall not be less than 36 months (unless all creditors are paid in full earlier), nor more than 60 months from the original plan filing date. For purposes of calculating the months of the plan, the month in which the first plan is filed is month zero, and the following month is month one of the plan. If this is an amended plan, include both the elapsed months since the original plan filing date and the remaining months of the plan terms. The filing of an amended plan does not reset the plan month number.

B. If this is an amended plan, then the original plan term has been extended by _____ months, for a total of _____ months from the original plan filing date.

C. Any and all sales shall be completed by _____ (date).

D. Any and all lump sums shall be contributed at the following intervals: _____.

VI. SEQUENCE OF PAYMENTS TO CREDITORS

The statement of sequence governs, in the event of any conflicts with estimated months to pay in the body of the plan. If no sequence is selected then sequence "A" shall apply. Statutory Trustee fees are paid on all distributions. Per capita and prorated distributions cannot be mixed at the same level.

+)),

.))-

A. First disbursement level: Unpaid petition filing fee.

Second level: Per capita installments due on postpetition mortgage, leased motor vehicle loan payments, postpetition utility budget payments, installments on professional fees, and _____ installments designated for the escrow of taxes and insurance premiums.

Third level: Unpaid balance on utility security deposits and utility administrative claims on a _____ prorata basis until fully paid.

Fourth level: Unpaid balances on rental arrears, all mortgage arrears and secured taxes, on a _____ prorata basis until fully paid.

Fifth level: All remaining secured, priority and specially classified claims on a prorata basis until fully paid.

Sixth level: Allowed general unsecured claims on a prorata basis

Seventh level: Remaining claims.

+)),

.)- B. Other: (Specify sequence of payments.) Attorney fees cannot be given a precedence over other claims higher than the sequence allowed in Paragraph VI.A. (Attach additional sheet if needed.)

VII. IDENTITY OF CREDITORS WHOSE TREATMENT IS CHANGED BY AMENDMENT

If this plan constitutes an amended plan, the following is a list of all creditors whose treatment has changed from the prior plan, along with a brief description of the changes. No other changes in the treatment of creditors' claims are made in this plan. (Attach additional sheet, if needed.) Newly added creditors have been properly notified through an amendment to the schedules.

VIII. CLASSIFICATION AND TREATMENT OF CLAIMS

Nonmonetary covenants and conditions will continue to apply unless otherwise noted, and specific notice will be given to affected creditors when any such contract term is modified by the plan.

.)- Check here if a nonmonetary covenant is modified. Complete Part IX.F and specify the modification there.

A. SECURED CLAIMS (EXCLUDING SECURED TAX CLAIMS, TREATED BELOW IN PART VIII.B.1) Unless the plan expressly states otherwise, secured creditors provided for in the plan will be presumed to be oversecured and entitled to interest from the petition filing date.

1. LONG TERM CONTINUING DEBTS TO BE CURED AND REINSTATED, AND LIEN RETAINED. Examples include mortgage on personal residence and large vehicle loans. Amounts distributed monthly on arrearages to be determined by the Trustee. The creditor will promptly report all changes to the Trustee as to the amount of the monthly payment.

a. Name and address of creditor: _____

Description of collateral: _____ Nature of lien: _____

Total amount of claim: \$_____ Regular monthly contractual payment: \$_____
Complete Part VIII.F. for any postpetition tax and insurance escrow not included in regular contractual payment.

Amount of arrearage, as of petition date: \$_____ Rate of interest to be paid on arrearage: _____%

Estimated number of months to cure: _____ Cure estimated to begin in plan month: _____

.)- Check here if interest on arrearage is to accrue from date of plan confirmation, not from petition filing date.

Additional postpetition default (if any): \$_____ consisting of (specify): _____

b. Name and address of creditor: _____

Description of collateral: _____ Nature of lien: _____

Total amount of claim \$_____ Regular monthly contractual payment: \$_____
Complete Part VIII.F. for any postpetition tax and insurance escrow not included in regular contractual payment.

Amount of arrearage, as of petition date: \$_____ Rate of interest to be paid on arrearage: _____%

Estimated number of months to cure: _____ Cure estimated to begin in plan month: _____

.)- Check here if interest on arrearage is to accrue from date of plan confirmation, not from petition filing date.

Additional postpetition default (if any): \$_____ consisting of (specify): _____

c. Name and address of creditor: _____

Description of collateral: _____ Nature of lien: _____

Total amount of claim \$_____ Regular monthly contractual payment: \$_____
Complete Part VIII.F. for any postpetition tax and insurance escrow not included in regular contractual payment.

Amount of arrearage, as of petition date: \$_____ Rate of interest to be paid on arrearage: _____%

Estimated number of months to cure: _____ Cure estimated to begin in plan month: _____

.)- Check here if interest on arrearage is to accrue from date of plan confirmation, not from petition filing date.

Additional postpetition default (if any): \$_____ consisting of (specify): _____

2. SECURED CLAIMS TO BE PAID IN FULL DURING TERM OF PLAN, ACCORDING TO ORIGINAL CONTRACT TERMS, WITH NO MODIFICATION OF CONTRACTUAL TERMS. Liens shall be retained until payment in full has been made in accordance with the following terms. In the event of any conflict with the claim, then the claim amounts and interest rates on principal balance shall govern.

a. Name and address of creditor: _____

Description of collateral: _____ Nature of lien: _____

Total amount of claim \$_____ Principal balance \$_____ Monthly distributions \$_____

Interest rate _____% to be paid on principal balance.

.)-

.)- Check here if variable rate. The creditor will promptly report all changes to the Trustee as to the interest rate and amount of monthly payments.

Distributions estimated to begin in month number: _____ for a total of _____ months
Complete Part VIII.F. for any postpetition tax and insurance escrow. If a cure of a contractual default is intended, then the following information must be included:

Amount of default to be cured \$_____, distributions to begin in month _____ for a total of _____ months.

Interest rate _____% to be paid on arrears.

+) ,

.)- Check here if the cure amount is included in the principal balance above.

b **Name and address of creditor:** _____

Description of collateral _____ Nature of lien _____

Total amount of claim \$_____ Principal balance \$_____ Monthly distributions \$_____

Interest rate _____% to be paid on principal balance.

+) , Check here if variable rate. The creditor will promptly report all changes to the Trustee

.)- as to the interest rate and amount of monthly payments.

Distributions estimated to begin in month number: _____ for a total of _____ months
Complete Part VIII.F. for any postpetition tax and insurance escrow. If a cure of a contractual default is intended, then the following information must be included:

Amount of default to be cured \$_____, distributions to begin in month _____ for a total of _____ months.

Interest rate _____% to be paid on arrears.

+) ,

.)- Check here if the cure amount is included in the principal balance above.

c. **Name and address of creditor:** _____

Description of collateral: _____ Nature of lien: _____

Total amount of claim \$_____ Principal balance \$_____ Monthly distributions \$_____

Interest rate: _____% to be paid on principal balance.

+) , Check here if variable rate. The creditor will promptly report all changes to the Trustee as to the

.)- as to the interest rate and amount of monthly payments.

Distributions estimated to begin in month number: _____ for a total of _____ months
Complete Part VIII.F. for any postpetition tax and insurance escrow. If a cure of a contractual default is intended, then the following information must be included:

Amount of default to be cured \$_____, distributions to begin in month _____ for a total of _____ months.

Interest rate _____% to be paid on arrears.

+) ,

.)- Check here if the cure amount is included in the principal balance above.

3. **SECURED CLAIMS TO BE PAID ACCORDING TO MODIFIED TERMS**

Payment in accordance with the terms as set forth herein shall constitute full and final satisfaction of the secured claim of this creditor. Upon payment in accordance with the foregoing terms, the creditor shall promptly cause all mortgages or liens encumbering property of the Debtor(s) to be satisfied, released and discharged.

a. **Name and address of creditor:** _____

Description of collateral: _____ Nature of lien: _____

Modified principal balance (total amount of claim, exclusive of precomputed interest): \$_____

Interest rate to be paid: _____% Monthly distribution: \$_____

Distributions estimated to begin in month number: _____ for a total of _____ months

+) ,

.)- Check here if creditor is undersecured. If this box is checked, interest will accrue from the date of plan confirmation, not from petition filing date.

+) ,

.)- Check here if contingent on action under Section 506 of the Bankruptcy Code. Complete Part VIII.F for any postpetition tax and insurance escrow.

Complete Part VIII.F. for any postpetition tax and insurance escrow.

b. **Name and address of creditor:** _____

Description of collateral: _____ Nature of lien: _____

Modified principal balance (total amount of claim, exclusive of precomputed interest): \$_____

Interest rate to be paid: _____% Monthly distribution: \$_____

Distributions estimated to begin in month number: _____ for a total of _____ months

+) ,

.)- Check here if creditor is undersecured. If this box is checked, interest will accrue from the date of plan confirmation, not from petition filing date.

+)),
))- Check here if contingent on action under Section 506 of the Bankruptcy Code. Complete Part VIII.F for any postpetition tax and insurance escrow.
Complete Part VIII.F. for any postpetition tax and insurance escrow.

c. Name and address of creditor:

Description of collateral: Nature of lien:
Modified principal balance (total amount of claim, exclusive of precomputed interest): \$
Interest rate to be paid: % Monthly distribution: \$
Distributions estimated to begin in month number: for a total of months

+)),
))- Check here if creditor is undersecured. If this box is checked, interest will accrue from the date of plan confirmation, not from petition filing date.

+)),
))- Check here if contingent on action under Section 506 of the Bankruptcy Code. Complete Part VIII.F for any postpetition tax and insurance escrow.
Complete Part VIII.F. for any postpetition tax and insurance escrow.

(d) STATUTORY LIENS TO BE PAID IN FULL DURING TERM OF PLAN

Liens shall be retained until payment in full has been made in accordance with the following terms:

Name and address of creditor:

Description of collateral
The lien arose under the following federal or state statute(s):
Total amount of claim \$ Principal balance \$ Monthly distributions \$
Rate of interest: %
Distributions estimated to begin in month number: for a total of months

+)),
))- Check here if creditor is unsecured.
+)),
))- Check here if contingent on action under Section 506 of the Bankruptcy Code.

5. SECURED CLAIMS NOT TO BE PAID DUE TO SURRENDER OF COLLATERAL:

NAME OF CREDITOR DESCRIPTION AND LOCATION OF COLLATERAL DATE TO BE SURRENDERED

A.
B.
C.

6. THE DEBTOR HAS OR WILL BRING ACTIONS TO AVOID OR LIMIT THE LIENS OF THE FOLLOWING CREDITORS:

A.
B.
C.

7. SECURED CLAIMS OTHERWISE PROVIDED

Liens retained but special treatment not otherwise classified in this plan.

a. Name and address of creditor:

Description of collateral Nature of lien:
Description of treatment (precise payment terms required):

B. TAX CLAIMS

THE Debtor MUST INITIAL THE FOLLOWING APPLICABLE STATEMENT:

Yes, I have filed all required federal, state and local tax returns.
No, I have not filed all required federal, state and local tax returns. I understand that I am required to file all past due tax returns with the appropriate taxing authorities within sixty (60) days from my bankruptcy filing date, and that I must serve copies on the Trustee.

1. SECURED TAX CLAIMS

The following secured tax claims shall be fully paid. Interest shall be paid at the rate set forth below. Liens shall be retained until payment in full has been made in accordance with the following terms.

a. Name and address of creditor:

Total secured amount \$_____ Interest rate: _____% Monthly distribution: \$_____

Distributions estimated to begin in month number: _____ for a total of _____ months

)),
))- Check here if creditor is undersecured. If this box is checked, interest will accrue from date of plan confirmation, not from petition filing date.

)),
))- Check here if contingent on action under § 506 of the Bankruptcy Code.

b. Name and address of creditor: _____

Total secured amount \$_____ Interest rate: _____% Monthly distribution: \$_____

Distributions estimated to begin in month number: _____ for a total of _____ months

)),
))- Check here if creditor is undersecured. If this box is checked, interest will accrue from date of plan confirmation, not from petition filing date.

)),
))- Check here if contingent on action under § 506 of the Bankruptcy Code.

c. Name and address of creditor: _____

Total secured amount \$_____ Interest rate: _____% Monthly distribution: \$_____

Distributions estimated to begin in month number: _____ for a total of _____ months

)),
))- Check here if creditor is undersecured. If this box is checked, interest will accrue from date of plan confirmation, not from petition filing date.

)),
))- Check here if contingent on action under § 506 of the Bankruptcy Code.

2. PRIORITY TAX CLAIMS (Pursuant to 11 U.S.C. § 507(a)(8)(G), these claims do not include penalties, except those for actual pecuniary loss. Penalties are treated as general unsecured claims below.)

a. Name and address of creditor: _____

Total priority amount: \$_____

)),
))- No interest to be paid or
)),
))- _____% on priority tax claim

Monthly distribution: \$_____

Distributions estimated to begin in month number: _____ for a total of _____ months.

b. Name and address of creditor: _____

Total priority amount: \$_____

)),
))- No interest to be paid or
)),
))- _____% on priority tax claim

Monthly distribution: \$_____

Distributions estimated to begin in month number: _____ for a total of _____ months.

c. Name and address of creditor: _____

Total priority amount: \$_____

)),
))- No interest to be paid or
)),
))- _____% on priority tax claim

Monthly distribution: \$_____

Distributions estimated to begin in month number: _____ for a total of _____ months.

d. Name and address of creditor: _____

Total priority amount: \$_____

)),
))- No interest to be paid or
)),
))- _____% on priority tax claim

Monthly distribution: \$_____

Distributions estimated to begin in month number: _____ for a total of _____ months.

e. Name and address of creditor: _____

Total priority amount: \$ _____

+)),
.))- No interest to be paid or

+)),
.))- _____% on priority tax claim

Monthly distribution: \$ _____
Distributions estimated to begin in month number: _____ for a total of _____ months.

C. PRIORITY CLAIMS (EXCLUDING PRIORITY TAX CLAIMS, TREATED ABOVE)

Priority claims shall be paid as follows:

1. PERCENTAGE FEES payable to the Chapter 13 Trustee Fee and Expense Fund shall be paid at the rate fixed by the United States Trustee not to exceed ten percent on all distributions.

2. FILING FEES: the balance of \$ _____ shall be fully paid by the Trustee to the Clerk of Bankruptcy Court from the first available funds in this case.

3. PROFESSIONAL FEES: Approval of the plan constitutes approval of only the fees set forth in the plan. A separate fee application shall be required as to any additional fees.

a. Attorney fees, payable to (name and address) _____

In addition to a retainer of \$ _____ already paid by or on behalf of the Debtor, the amount of \$ _____. Monthly distribution: \$ _____

Distributions estimated to begin in month number _____ for a total of _____ months.
List all payments made on behalf of the debtor to any other person, including other attorneys, for consultation concerning debt consolidation, relief under the bankruptcy law or preparation of a bankruptcy petition within the past year. Name the party consulted and the amount of the fee paid:

b. Accountant fees, payable to (name and address) _____

In addition to a retainer of \$ _____ already paid by or on behalf of the Debtor, the amount of \$ _____. Monthly distribution: \$ _____

Distributions estimated to begin in month number: _____ for a total of _____ months.

c. Other professional fees, payable to (name and address) _____

In addition to a retainer of \$ _____ already paid by or on behalf of the Debtor, the amount of \$ _____. Monthly distribution: \$ _____

Distributions estimated to begin in month number: _____ for a total of _____ months.

4. UTILITY PAYMENTS including all postpetition administrative expenses such as budget payments, administrative claims and security deposits. (Only include if to be paid through Trustee)

a. Name and address of creditor: _____

Utility budget amount \$ _____ commencing with _____ (month/year)

Administrative claim \$ _____ Security deposit \$ _____

b. Name and address of creditor: _____

Utility budget amount \$ _____ commencing with _____ (month/year)

Administrative claim \$ _____ Security deposit \$ _____

5. OTHER NON-TAX PRIORITY CLAIMS such as residential leases and automobile leases.

a. Name and address of creditor: _____

Amount of claim: \$ _____ (exclusive of interest) Basis of priority status: 11 U.S.C. § _____

If interest is to be paid, state the interest rate here: _____%

Monthly distribution: \$ _____ Amount of prepetition arrears: \$ _____

Distributions estimated to begin in month number: _____ for a total of _____ months.

b. Name and address of creditor: _____

Amount of claim: \$ _____ (exclusive of interest) Basis of priority status: 11 U.S.C. § _____

If interest is to be paid, state the interest rate here: _____%

Monthly distribution: \$_____ Amount of prepetition arrears: \$ _____

Distributions estimated to begin in month number: _____ for a total of _____ months.

D. CLAIMS OF UNSECURED, NONPRIORITY CREDITORS SPECIALLY CLASSIFIED

a. Name and address of creditor: _____

Reason for special classification: _____

Treatment of claim:

)),
.))- Long term continuing debt, arrears (if any) to be cured; or
)),
.))- Payment in full according to contractual terms; or

)),
.))- Other (explain) _____

Amount of claim: \$_____ monthly distribution: \$_____
Distributions estimated to begin in month number: _____ for a total of _____ months.

Interest rate (if any): _____%

)),
.))- Check here if variable rate. The local bankruptcy rules require the Creditor to promptly report all changes to the Trustee as to the interest rate and amount of monthly payments.

Amount of default to be cured: \$_____ to be paid interest at a rate of (if any): _____%
)),
.))- Check here if the cure amount is included in the principal balance above. If cure amount is not included in that balance, distributions on the cure will be in the amount of \$_____ per month, to begin in month number _____ for a total of _____ months.

b. Name and address of creditor: _____

Reason for special classification: _____

Treatment of claim:

)),
.))- Long term continuing debt, arrears (if any) to be cured; or
)),
.))- Payment in full according to contractual terms; or
)),
.))- Other (explain) _____

Amount of claim: \$_____ Monthly distribution: \$_____
Distributions estimated to begin in month number: _____ for a total of _____ months.

Interest rate (if any): _____%

)),
.))- Check here if variable rate. The local bankruptcy rules require the Creditor to promptly report all changes to the Trustee as to the interest rate and amount of monthly payments.

Amount of default to be cured: \$_____ to be paid interest at a rate of (if any): _____%

)),
.))- Check here if the cure amount is included in the principal balance above. If cure amount is not included in that balance, distributions on the cure will be in the amount of \$_____ per month, to begin in month number _____ for a total of _____ months.

E. CLAIMS OF GENERAL, NONPRIORITY, UNSECURED CREDITORS FILED PRIOR TO "CLAIMS BAR DATE"

)),
.))- 1. Check here if this plan is and must remain a 100 percent plan for timely unsecured claims.

)),
.))- 2. Check here if interest will be paid at the Pennsylvania statutory judgment rate of six percent from the petition filing date. Interest shall only be paid if the plan proposes 100% payment.

3. All creditors in this class shall be paid a pro rata portion of available funds. The distribution is expected to begin in month number _____. The total of the general, unsecured claims according to the original schedules is \$_____.

4. The total available funds for unsecured creditors is estimated at \$_____. The estimated percentage of payment to unsecured creditors is _____%.

5. The percentage to unsecured creditors may vary, depending on the total of the unsecured claims actually filed, and the actual amount of priority claims. The Trustee will adjust the percentage, based upon available funds. However, the Debtor agrees that a minimum of \$_____ must be distributed to general, unsecured creditors in order to comply with the liquidation alternative test in this case.

F. POSTPETITION CLAIMS

1. Postpetition claims in general:

a. All claims newly arising after the petition date for which a proof of claim may be filed and allowed by § 1305 of the Bankruptcy Code, must be documented by the filing of a proof claim served on the Debtor's counsel (or Debtor if not represented by an attorney) and on the Trustee. This provision shall not apply to postpetition administrative claims approved by the Court or to an escrow arrangement for payment of postpetition taxes and insurance provided for below.

b. Postpetition claims filed and allowed in accordance with § 1305 shall be paid by the Trustee from available funds along with the prepetition claims in the same class, if any; otherwise, they shall be paid at such time as the Trustee shall determine.

c. In the event that the adequacy of the plan's funding or the likelihood of the achievement of the plan's objectives is materially and adversely affected by the allowance of the claim, then the Debtor shall promptly amend the plan to address the same.

d. In the event that the Debtor proposes to pay a postpetition claim not within the scope of § 1305, or for which no proof of claim has been filed by the postpetition claimant, the Debtor shall be required to file an amended plan proposing the same.

2. Postpetition taxes and insurance premiums:

(Check one) If none is chosen, option "c" is presumed.

)).
))- a. The amount of \$_____ per month shall be distributed by the Trustee to the following creditor for application to taxes and insurance premiums:

Name and address: _____

)).
))- b. The amount of \$_____ per month shall be escrowed with the Trustee, and held by the Trustee at no interest pending receipt of tax and insurance premium statements, at which time the Trustee shall distribute the escrow funds in payment hereof.

)).
))- c. Postpetition taxes and insurance premiums shall be paid directly by the Debtor as those obligations come due.

**G. CLAIMS OF GENERAL, NONPRIORITY, UNSECURED
CREDITORS FILED AFTER THE CLAIMS BAR DATE**

Timely unsecured claims must be paid 100% with interest before any distribution to this class.

)).
))- 1. Check here if this plan is and must remain a 100 percent plan for untimely unsecured claims.

)).
))- 2. Check here if interest will be paid at the Pennsylvania statutory judgment rate of six percent from the petition filing date on untimely unsecured claims.

3. All creditors in this class shall be paid a pro rata portion of available funds, if any, after all prior classes, including postpetition claims and timely prepetition unsecured claims have been paid one hundred percent with interest.

4. The total available funds for untimely unsecured creditors is estimated at \$_____. The estimated percentage of payment to untimely unsecured creditors is _____%.

5. The percentage to untimely unsecured creditors may vary. The Trustee will adjust the percentage, based upon available funds. However, the Debtor agrees that a minimum of \$_____ must be distributed to untimely, general, unsecured creditors in order to comply with the liquidation alternative test in this case.

IX. OTHER PROVISIONS

A. The order confirming the plan is incorporated into the plan. To the extent that any provisions of the confirmation order are inconsistent with the provisions of the plan, the provisions in the order shall govern.

B. The following executory contracts and unexpired leases are assumed and all required cures are specifically provided for elsewhere in the plan. All other executory contracts are rejected. Creditors must file claims for rejection damages within 30 days after confirmation of the first plan containing the rejection of such creditor's executory contract or unexpired lease. _____

C. Insurance will be maintained on all property, not only to protect the liens of creditors holding secured claims, but also to protect against the loss of unencumbered equity in property. Secured creditors shall be named as loss payees in insurance policies insuring such creditor's collateral.

E. If the Debtor amends this plan, Debtor will file and serve the amended Plan on the on the Trustee and on all secured and priority creditors.

F. Other: _____

X. CERTIFICATIONS

The foregoing is a comprehensive statement of the Debtor's plan. The corresponding plan summary accurately reflects the terms of this plan.

Date

Attorney for Debtor
(or Debtor, if not represented by an attorney)
PA Attorney I.D. No.: _____

(Address)

(Telephone)

I hereby certify that I have read, understood and adopted the foregoing plan (to be signed by each Debtor and not by the Attorney).

Date

Debtor #1

Date

Debtor #2

INDEX TO LOCAL RULES

Abandonment	
Content of Motions	9013.2
Contested	6007.1
Notice	6007.1
Proposed Orders	9013.4
When Order Unnecessary	6007.1
Account	
Deadline for Custodians	6002.1
Adversary Proceedings	
Motions-Requirements	7008.1
Pre-Trial Procedures	7016.1
Amendments	
Additional Debtor	1009.1
Certificate of Mailing	1009.1
Contents of Filing Requirements	1009.1
Notice of	1009.1
Objections to	1009.1
Waiver of Filing Fee	1009.1
Appeals	
Transcripts	8007.1
Attorneys	
See Counsel, this index	
Avoidance of Liens	
Content	9013.2
Proposed Order	9013.3
Ballots	
Tabulation	3018.1
Bankruptcy Petitions	
Copies	1002.2
Dismissal of	1017.1
Involuntary - Designation of Principal	1003.1
Related	1007.3
Certificate of Mailing	
Amendments	1009.1
Filing Requirements	2002.1
Local Form No. 1	2002.1
Chapter 7	
Mailing Matrix	1007.1
Number of Copies of Petition	1002.2
Presiding Officer	2003.1

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Chapter 11

Confirmation	3020.1
Conversion	1019.1
Disclosure Statement	3017.1
Distribution	3021.1
Duty to Make Payments	2015.1
Duty to Make Reports	1007.1
Mailing Matrix	3019.1
Modification of Plan	3020.1
Presiding Officer	2003.1
Tabulation of Ballots	3018.1

Chapter 13

Confirmation	3020.1
Conversion	1019.1
Duty to Make Payments	2015.1
Duty to Make Reports	2015.1
Mailing Matrix	1007.1
Modification of Plan	3019.1
Number of Copies of Petition	1002.2
Objections to Plan	3020.1
Payments	3021.2
Plans, Number of Copies	1007.2
Summary of Debts and Asset	1007.2

Clerk of Court

Amendments	1009.1
Default Judgment	7055.1
Filing of Motions with Proposed Orders	9013.3
Flat Filing	5005.1
Jury Selection System	9015.1
Notification of Chapter 11 and Chapter 13 duties	2015.1
Notification of Chapter 13 Payment Requirements	3021.2
Related Cases	1007.3
Trial Exhibits	7039.1
Seal of Court	5001.1
Withdrawal of Files	5005.1

Constitutional Question

Notice Of	7004.2
-----------	--------

Conversion

Motion	1019.1
Answer and Hearing	1019.1

Counsel

Admission to Practice	9010.1
Agreements Between	9010.3
Appearances and Withdrawal	9010.2
Duties - related cases	1007.3

Court

Division of Business	1002.1
Seal of	5001.1

Custodian	
Deadline of Account	6002.1
Forms	
Certificate of Mailing - Local Form No. 1	
Discharge; Dischargeability	4004.1
Notice to Trustee of Objection	4007.1
Disclosure Statement	
Hearing On	3017.1
Objections to	3017.1
Service of	3017.1
Discovery	
Depositions	7030.1, 7030.2
Disputes	7037.1
Interrogatories	7033.1
Filing of Materials	7005.1
Dismissal	
Bankruptcy Petitions	1017.1
Motion for	1017.1
Executory Contracts	
Notice of Assumption or Rejection	6006.1
Exhibits and Depositions	
Use at Trial	7039.1
Federal Agency	
Mailing Matrix	1007.1
Files	
Withdrawal of	5005.1
Judgement	
Default	7055.1
Jury	
Selection System	9015.1
Lists	
Number of Copies	1002.2
Local Rules	
Citation of	1001.1
Numbering System	1001.1
Mailing Matrix	
Amendments	1009.1
Contents and Accuracy of	1007.1
Duty to prepare	1007.1

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Federal Agency	1007.1
----------------	--------

U.S. Attorney	1007.1
Meeting of Creditors	
Presiding Officers	2005.1
Motions	
Adversary Proceedings	7008.1
Contents of Certain Contested	9013.2, 9013.3
Contested, Uncontested and Emergency	9013.1
Conversion, Notice of	1019.1
Dismissal of Bankruptcy Case	1017.1
Practice and Procedure	9013.1
Proposed Orders	9013.4
Reaffirmation Approval	4008.1
Notice	
Amendments	1009.1
Assumption or Rejection of Executory Contract	6006.1
Constitutional Question	7004.2
Certificate of Mailing - Local Form No 1.	6007.1
Contested Abandonments	
Objection to Discharge	6007.1
Objection to Dischargeability	4007.1
Redemption	6008.1
Objections	
Amendments	1009.1
Orders	
When Required	9013.4
Plans	
Chapter 13	1007.2
Chapter 11 Ballots	3018.1
Chapter 11 Distribution	3021.1
Confirmation Hearing	3020.1
Modifications of	3019.1
Objections to	3020.1
Presiding Officer	
Chapter 7	2003.1
Chapter 11	2003.1
Meetings of Creditors	2003.1
Pretrial Procedure	
Adversary Proceedings	7016.1
Principal	
Designation of-Involuntary	1003.1
Publication	
Official Newspaper	9008.1

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Reaffirmation	
Hearing on approval of	4008.1
Records	

Disposal of	5003.1
Redemption	
Notice of	6008.1
Related Cases	
Adversary Proceedings	1007.3
Criteria	1007.3
Disclosure of	1007.3
Duties of the Clerk	1007.3
Duties of Counsel	1007.3
Rules	
Citation of	1001.1
Sales	
Content of Sale Motion	9013.2
Practice and Procedure	6004.1
Proposed Orders	9013.3
Schedules	
Number of Copies	1002.2
Self Scheduling-Motion Court	9013.4
Service	
Third Party Defendants	7004.1
Statements	
Number of Copies	1002.2
Third-Party Defendants	
Service of Pleadings on	7004.1
Transcripts	
Requests For	8007.1
Trustees	
Disposal of Records	5003.1
U.S. Attorney	
Mailing Matrix	1007.1